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Current Topics.

Teaching of Real Property Law.

NEXT WEEK will see the re-opening for a new session of most of the public institutions concerned with the teaching of law. Those whose duty and privilege it is to give instruction at these institutions to the rising generation of lawyers have this session to face the arduous task of pioneers in the teaching of Real Property Law. They are fortunate enough, however, to have derived considerable benefit from a general discussion of the problem by the Society of Public Teachers of Law at its last Annual Meeting as well as from a very able and learned Presidential Address given by the late Professor GELDART to the members of the same Society in 1921. It may be pointed out here, by the way, that in view of the Solicitors' Act, 1922, and the consequent extension of the privileges of university education in law to a large number of articled clerks, and of the increasing tendency to regard university training in law as undoubtedly beneficial, if not altogether essential, to practise in the law, the work and method of academic law teaching is becoming increasingly important to both branches of the legal profession.

Difficulties Involved.

A BRIEF reference may be made to some of the chief sources of trouble to the teacher. The first and most serious problem of all turns around the relationship of the old and the new law. How much of the old law is it necessary to continue to teach? And how much of it can safely be passed over without fear of making the new practise of conveyancing unintelligible? One thing is clear: the old law, even although it is replaced by the New Statutes as from 1st January, 1926, can by no means be altogether ignored. The only portions which can be passed over without reference are those which are the subject of retrospective legislation, and they are not many, and are of comparatively little importance. It is clear that the general principles of the old law must be continued to be taught for the obvious reason that a grasp of those principles will be absolutely essential to all conveyancers for the next quarter of a century. Further, such a grasp will be particularly essential to the younger conveyancers, for it will be upon their shoulders that the main task of giving practical effect to the new legislation will almost immediately fall.

Method.

THE METHOD of teaching Property Law will not be very greatly affected. Experienced teachers are fairly generally agreed that the only satisfactory method of teaching English

Law of Real Property is through the history of the subject. An historical approach now becomes practically necessary as well as educationally sound, for one of the predominant characteristics of the new law is that it is evolutionary—at every step it determines future rights by reference to those tried in the past and not found wanting. Another feature of the new Property Law is that it cannot be placed separately in two distinct watertight compartments labelled "Real Property" and "Personal Property" respectively. The whole Law of Property will now have to be taught together; for, is not one of the main objects of the change in the law the assimilation of the Law of Real and Personal Property? Other difficult problems have to be considered, such as the order in which the various subjects should be taught. Can the intricacies of the Law of Mortgages be satisfactorily explained before the nature, and the general principles governing the priority, of equitable interests have been expounded? Where ought "easements, rights and privileges" which are capable of subsisting as legal interests to come in our sequence? These and other more difficult, but less general, considerations we leave to the reader to imagine. We would simply point out that while the changes proposed will in the long run produce a great simplification in the working of the law, for the time being teachers of law are faced with the serious problem of adapting their teaching so as to make it be of the greatest use to those who will enter into practice at a time when (in the words of the late Professor GELDART) "the old law is being poured into the new mould." The new legislation throws upon the present generation of teachers and students a great and heavy burden of responsibility.

Short Weight and Measure.

ATTENTION WAS drawn at the Annual Conference of the Scottish Branch of the Incorporated Society of Inspectors of Weights and Measures to a serious weakness in the law relating to short weight and measure. As things stand at present, the giving of short weight or measure, except in the case of tea (to which the Sale of Tea Act, 1922, now applies) or bread (see Bread Acts, 1822, 1836), has not been dealt with by Parliament. Merely giving short weight does not constitute any offence, and it is next to impossible to obtain a conviction for selling a commodity under weight "with fraudulent intent." We heartily agree with one of the speakers at the conference, that such an unsatisfactory state of the law demands the early attention of the Legislature. The opportunity of indulging in the dishonest practice of giving short weight occurs so often, and the fact that the poorer

classes in particular need the protection of the law against its prevalence, are considerations which call for an immediate revision of this branch of our law.

New Statutes.

THE ATTENTION of our readers is drawn to three important new statutes which came into force on the 1st of this month, the Guardianship of Infants Act, 1925, the Administration of Justice Act, 1925, and the Summary Jurisdiction (Separation and Maintenance) Act, 1925. The first of these Acts (an article on which appears in our current issue) lays down the principles to be observed by the courts when dealing with the upbringing and education of children. It introduces one far-reaching change which constitutes an important step towards the complete emancipation of woman, for it gives the mother an equal right with the father to apply to the court in respect of any matter affecting an infant. The second Act has as its object the amending of the law relating to separation and maintenance orders. It incidentally introduces great changes into the law of divorce. It is hoped to print at an early date an article in the SOLICITORS' JOURNAL explanatory of the main principles of this Act. The Administration of Justice Act confers power to dispense with the holding of Assizes in places where there is no need for the attendance of a judge. It also effects a general reform of the jury system.

Central Control of Local Government.

A SITUATION which appears to be without a precedent in English experience has arisen in West Ham. We do not propose to comment upon the merit of the case from either side, nor do we wish to make any observation upon the question of legality or illegality of the action taken by the Ministry of Health. All we should like to do is to state how the difficulty has arisen and to indicate the importance of the problem involved. The borough of West Ham is admittedly a poor borough, and is undoubtedly hard pressed through the prevalence of unemployment within its area. This has been realised by the Ministry of Health, which has at various times sanctioned loans to the West Ham Guardians for purposes of relief. Application was recently made to the Ministry for an additional loan; this, it was announced by the Ministry could only be sanctioned subject to certain conditions—one of such conditions being that the scale of relief paid by the guardians should be reduced. To this condition the West Ham Guardians refused to agree. The result was that the guardians found themselves at the end of their resources, without any more money to make payments for relief. The Ministry then stepped into the breach. It distributed to qualified applicants vouchers exchangeable for necessities up to the value named thereon. These vouchers the Ministry guaranteed to honour. The situation in this particular borough suggests rather than actually raises problems that must sooner or later arise when the central and local governments fail to agree. In this instance the question is not raised to its fullest extent, for all the Ministry of Health has done is to refuse its sanction to a loan which it had a perfect right to refuse, because it could not agree to the terms upon which it was asked to give it. The next step was taken by the Ministry, because the board of guardians having no resources, could not function. Suppose, however, that the Ministry directed a particular policy to be followed by a local authority, and the local authority was able to function—that is, in short had the financial wherewithal to carry on, the problem would then indeed be at its acutest point, and the case would then truly be described as Local v. National Governments. So far, the central authority has been mainly concerned to stir local bodies to forward action, and the weapons which have hitherto been in use are mainly designed for that end. Now, another task has to be faced, and that is to put the brake on local bodies which are moving forward too rapidly. Will the old weapons stand the strain of this task or have new ones to be forged?

Appeal on Summary Conviction under the Army Act.

RULES OF PROCEDURE applicable to summary punishments awarded under the Army Act have recently undergone revision in an Army Order. If any punishment awarded by a Commanding Officer or by a Regimental Court-Martial (Army Act, 1881, s. 47) appears to the Army Council or to a superior officer to be wholly illegal, it may be cancelled and the entry in the records of the accused expunged. Similarly, a punishment appearing to be in excess of that authorised for the offence, or to be too severe having regard to all the circumstances of the case, may be varied or remitted and the records of the accused altered accordingly. This power of remission must, however, be exercised by a superior officer within a period of two years from the date of the award. The change in procedure reveals to students of civil law what at first sight appears to be an astonishing fact, namely, that there has all along been no procedure available in cases of summary punishment for offences triable by a Commanding Officer or a Regimental Court-Martial for the hearing of appeals by superior officers. On analysis of the offences which are triable by a Commanding Officer or a Regimental Court-Martial, however, the reason which accounts for such a state of things becomes apparent. The powers of punishment which these authorities have are most strictly limited; in particular those given to the Commanding Officer are confined to the very minimum required to maintain efficient discipline in the regiment under his command.

Recovery of Debts under the Peace Treaty with Germany.

AN INTERESTING and instructive article upon this subject appeared in the SOLICITORS' JOURNAL for 11th April, 1925. The contention is there made that while the responsibility of the German Government under Article 296 of the Treaty of Versailles may be limited where there is a declaration of insolvency by a German debtor, the liability of the German debtor in the same case may be unlimited. It is pointed out that this is not so if the case be one of bankruptcy, for then the liability of both the German Government and the German debtor is limited. In the SOLICITORS' JOURNAL for 23rd April, a letter was published from a correspondent who took objection to this suggested differentiation between bankruptcy and a declaration of insolvency. Interlocutory judgment has now been delivered in the case of *Baron and Salaman v. Max Brendt*, tried before the Anglo-German Mixed Arbitral Tribunal, 1st Div. case 2101. The debtor, a German national resident in Germany, had in May 1914, taken an oath of discovery as to his assets (*Offerbarungseid*). In clearing proceedings the claim of the creditor to recover the debt due as from December, 1912, was contested on the ground that the oath of discovery amounted to a formal indication of insolvency, and that therefore the German Government was not a guarantor in respect of the debt. The Tribunal was of opinion that the swearing of an oath at the order of a court is a most formal act and that when the deponent discloses assets which are insufficient to discharge the claims notified against him, it cannot be said that it is not an indication of insolvency. Hence, the creditors failed in effect to establish the claim which they put forward that their debt was one which was guaranteed by the German Government. The creditors have however an opportunity of presenting an amended case and to support it on other grounds; but the point is definitely decided that a German debtor who has sworn an "*Offerbarungseid*" and thereby shown assets insufficient to meet his liabilities is deemed to be insolvent. It follows therefrom that the same clause of the Treaty of Versailles limits the liability in certain cases, of the German Government as guarantor in respect of pre-war debts, whilst in the same cases leaving unaltered the liability of a German debtor.

Liability in Respect of Leaseholds on Winding up.

It is an axiom that many difficulties may be involved in circumstances of everyday occurrence. A company is in liquidation and holds or has held leasehold property. No circumstances could *prima facie* appear simpler. Yet the apparent simplicity is a trap for the unwary, and the position may involve a deadlock continuing for a very long period. It speaks volumes for the good sense of the commercial world that it has not been necessary long since to introduce legislation on the subject.

A company in the position indicated above may be liable as lessee under the covenants in a lease, or it may be liable as assignee under a covenant for indemnity contained in the assignment to the company. It is, of course, clear that in ordinary circumstances such a liability continues unless and until released by the covenantee, that is, the lessor or the assignor, as the case may be.

What, then, are the rights of the covenantee (it makes no difference to his rights whether he be lessor or assignee: *Hardy v. Fothergill*, 1888, 13 A.C. 351) in the liquidation of the company?

The inquiry falls into two parts (a) where the present creditors have been paid in full and the covenantee is endeavouring to assert his rights against the shareholders, i.e., a solvent company, and (b) where the covenantee is in competition with the present creditors who cannot be paid in full, the company being insolvent.

SOLVENT COMPANIES.

Section 158 of the Companies Act, 1862 (now replaced by s. 206 of the Act of 1908), provides that "all debts payable on a contingency and all claims against the company, present or future, certain or contingent . . . shall be admissible in proof."

These words appear at first sight wide enough, but in fact the section is the start, not the finish, of the difficulties.

It was decided very soon after the Act of 1862 that a lessor could enter a claim in the winding up of a lessee company, even though no rent was in arrear (*Re Haytor Granite Co.*, 1865, 1 Chap. 77).

Having entered a claim, the lessor is not entitled to have the same dividend paid to him as is paid to the "present" creditors, nor is he entitled to have a sum equal to the dividend he would take were he a present creditor paid into court to meet any claim he may have in the future, assuming, of course, that the present creditors have not been paid out (*Re London & Colonial Co.*, *Horsey's Claim*, 1868, 5 Eq. 561).

Obviously there is nothing in the section upon which the lessor could rely in support of his claim to have any sum paid into court. In the last-mentioned case, two dividends had been paid to creditors. GIFFORD, V.-C., pointed out that s. 158 either gave the lessor an immediate right of proof in respect of his claim or it gave him nothing. The learned Vice-Chancellor held that it gave him nothing; but it must be remembered that the lessor was claiming in competition with the creditors.

However, having entered his claim, the lessor can prevent the dissolution of the company (*Re Gartness Iron*, 1870, 10 Eq. 412), and as soon as the creditors have been paid in full the lessor is in a stronger position. Before any return is made to the shareholders the lessor can claim to have a sum impounded and set aside to answer future claims arising under the lease (*Re Telegraph Construction Co.*, 1870, 10 Eq. 384; *Oppenheimer v. British, &c., Bank*, 1877, 6 C.D. 744).

The question arose in the *Telegraph Construction Case* on a petition to enable capital to be returned to shareholders, but it was pointed out by JAMES, V.-C., that the position was just the same as if the company were in liquidation and there were funds to be divided among the shareholders.

This, then, is the crucial point. Are the funds in the hands of the liquidator available for a distribution to the shareholders, the present creditors having been paid? If so, the lessor (or assignor) is entitled to have sufficient set aside thereout to provide for his future claim though he may not take a dividend until default is made. Further, the lessor or assignor will be granted an injunction against the liquidator to prevent the funds being distributed to shareholders without making this provision (*Gooch v. London Banking Association*, 1886, 32 C.D. 41). It was suggested in this case that it was the duty of the liquidator to distribute to shareholders, and that if anything became payable to the lessor or assignor at a future date the liquidator should make a call on the shareholders for contribution. The court, however, had no difficulty in disposing of this argument, pointing out that there was no machinery in the Companies Acts for making such a call. *Gooch's Case* may now be taken as settled law, although an appeal was compromised, the House of Lords having given a similar decision in a Scotch appeal, *Elphinstone v. Monkland Iron & Coal Co., Ltd.*, 1886, 11 A.C., p. 382. There were special circumstances in this case, the leases not being assignable, but the principle decided appears of general application. The result, therefore, is that as regards solvent companies, the lessor or assignor can put a claim in, and after the creditors have been paid, the liquidator must set aside assets to meet anything which may become payable in future on the claim.

If a liquidator knowing of such a contingent claim, divides the assets among the shareholders without providing for it, the liquidator may be personally liable in damage (*Pulsford v. Devenish*, 1903, 2 Ch. 625).

The covenantee is not entitled to receive any payment until his claim in future becomes a claim in present. Nor can he be forced to accept a surrender of the lease. Consequently, apart from agreement, the dissolution of the company may be held up for many years. It is hard to believe, in view of the wide terms of s. 158, that this result was foreseen and intended by the framers of the Act.

INSOLVENT COMPANIES.

Section 10 of the Judicature Act, 1875 (now replaced by s. 207 of the Companies Act, 1908) is as follows:—

"In the winding up of an insolvent company . . . the same rules shall prevail . . . with regard to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of bankruptcy."

The section is long and should be referred to, but the extract given is sufficient to indicate the effect. It expressly enacts that all persons who could prove and receive dividends in a bankruptcy in England and Wales may prove and receive dividends in the winding up of an insolvent company.

We consequently have to refer back to s. 31 of the Bankruptcy Act, 1869. Under this section (which is in wide terms) all debts and liabilities, present or future, certain or contingent, might be proved for. An estimate was to be made according to the rules of court of the value of any debt or liability which, being subject to contingencies, did not bear a certain value.

The effect of these sections was considered in *Re Westbourne Grove Drapery Co.*, 1877, 5 C.D. 24 B, where a mortgagee of a lessor claimed in the winding up of an insolvent assignee company to have an amount equal to the whole of the future rent impounded and paid into court. There had been no breach at the date of the application.

The court, however, refused the application on the ground, among others, that there was no priority between the parties and that the effect of the Judicature Act was not to enable a liquidator to disclaim, so that damages could be proved for at once.

The leading case in bankruptcy, however, of *Hardy v. Fothergill*, *supra*, in which the House of Lords decided that

the liability under a covenant for indemnity in an assignment was released by a discharge in bankruptcy, in spite of the fact that the assignors had received no notice and had put in no proof, materially altered the position.

The effect of *Hardy v. Fothergill* was considered in a series of cases, commencing with *Re Midland Coal Co., Craig's Claim*, 1895, 1 Ch. 267, where no decided answer was given.

An important distinction was, however, drawn in the next case (*Re Oriental Banking Corporation*, No. 2, 1895, 1 Ch.). *Hardy v. Fothergill* was held only to apply where the lease is at an end either on account of disclaimer in bankruptcy or a surrender in winding up. The lessor, in order to prove and receive a dividend, must have agreed to accept a surrender, for he cannot have both rent and possession. As the lessors were not prepared to accept a surrender in the *Oriental Bank Case*, they were not allowed to prove and receive a dividend as each instalment of rent fell due. Where the lessor offered to accept a surrender on terms of being allowed to prove and take an immediate dividend, the court indicated that this should be agreed to by the liquidator (*Re Panther Lead Co.*, 1896, 1 Ch. 978). The moral should be carefully noted by lessors.

The cases cited above were reviewed in the recent case of *In re Dieckmann*, 1918, 1 Ch. 331. This however depended on the provisions of the Trading with the Enemy Act, 1916, and is of little general assistance. The result is, therefore, that in any case the parties must come to terms. If a company is solvent, the lessor may hold up the winding-up until the end of the lease unless the liquidator accepts the lessor's terms, or pays into court sufficient to meet the future claims under the lease. If the company is insolvent, the lessor must accept a surrender, the amount of his claim will then be estimated, and he can prove at once.

There appear to be no decided cases as to the position when the company has parted with the lease but is still liable under the covenants as lessee or under the usual covenant for indemnity in the assignment.

It is fairly clear that, if the company is solvent, the principles decided in *Haytor's*, *Re Gartness Iron*, *Re Telegraph Construction and Gooch's Cases* are equally applicable whether or not the company has parted with its interest. As against shareholders, the covenantee is doubtless entitled to have a sum impounded to meet any future claim.

Where the company is insolvent, having parted with its interest, the rights of the covenantee are possibly rather more doubtful. On the analogy of the *Oriental Bank Case* and *Re Panther Lead Co.*, it would appear that the covenantee may prove and claim a dividend which will be in the nature of damages for loss of security, provided the covenantee is prepared to release the company from liability under the covenants of the lease or the covenant for indemnity in the assignment, as the case may be. Presumably, however, the covenantee cannot claim to prove and from time to time take a dividend if and when default is made by the holder of the lease for the time being.

The assessment of the sum for which the covenantee is to prove in such cases appears likely to cause some difficulty in practice.

Finally, it may be of use to practitioners to suggest a method of obtaining relief for the liquidator, when the company has parted with its interest and therefore cannot surrender the lease.

This will be most important if the company is solvent in order to avoid having to set aside a sum, possibly considerable, for a prolonged period, in fact, until the expiration of the lease.

If the company is the original lessee and has assigned the lease, the liquidator will have to negotiate with the lessor and the assignee holding the lease for the time being, in order to get the assignee directly under covenant with the lessor to observe and perform the covenants of the original lease.

Assuming the assignee is a responsible person or company, this should not be a matter of any great difficulty or expense.

A Deed of Covenant and Release will probably be found less expensive than a surrender and new lease. The parties will be the assignee, the lessor and the company in the liquidation.

First, in consideration of a money payment, the assignee should covenant to observe and perform the lessee's covenants and provisions in the lease as though the name of the assignee had been inserted therein in lieu of the name of the company.

Secondly, in consideration of the foregoing covenant and at the request of the assignee, the lessor should release the company from all liability under the lessee's covenants and provisions in the lease.

If the company, instead of being the original lessee, merely took an assignment of the lease, giving the assignor to the company a covenant to indemnify such assignor against liability under the lessee's covenants of the lease, it will probably be found comparatively easy to negotiate for relief, assuming again that the assignee from the company is a responsible person.

All that is required is that the company should drop out of the chain of assignees. The company's direct assignor, and the assignee from it should be approached, and if terms can be arrived at, a somewhat similar deed of covenant should be entered into between the assignee from the company, the assignor to the company and the company. In consideration of a money payment the assignee enters into a direct covenant for indemnity with the assignor, who in turn releases the company from liability under the covenant for indemnity given by it.

In this case it is clear that the assignee is taking upon himself a much less serious obligation than in the first case. He is not in any way increasing the amount or nature of his existing contingent liability but is merely changing the name of the person entitled to enforce such liability should occasion arise.

S.

The New Guardianship Act.

THE Guardianship of Infants Act, 1925, passed 31st July, came into force on 1st October, and very profoundly affects a father's powers regarding the custody of his children and his choice of their religion and education. In the preamble, after reference to the desire of Parliament to establish "equality between the sexes," the statement is made that "it is expedient that this principle should obtain with respect to the guardianship of infants and the rights and responsibilities conferred thereby." The intention of Parliament in passing the Act, therefore, was avowedly to equalize the "rights and responsibilities" of mother and father with respect to the guardianship, including the custody, and the right of directing the religious teaching and education, of the family.

To understand the changes now brought about, reference must be made to the old law. There is an admirable exposition by the late Lord LINDLEY of the powers exercised in respect of infants by various courts in *Thomasset v. Thomasset*, 1894, P. 295, in which the Court of Appeal decided that the Divorce Court had jurisdiction to make orders to last for the whole period of infancy of a child and not only until the age of sixteen as previously held. Divorce jurisdiction, however, against a father only arises on pronouncement of decree, and cannot be invoked against one guiltless of matrimonial offence. In fact, originally no court could interfere with a father's control of his infant children except the Court of Chancery on rigid proof that he was an unfit person to have custody of them, and the Ecclesiastical Court, when by reason of matrimonial misconduct he had evoked its powers.

"Talfourd's Act" (1839), 2 & 3 Vict. c. 54, gave the Court of Chancery power to make an order that children under the

age of seven should be delivered into their mother's custody, and another Act passed in 1873 validated provisions in a separation agreement giving the mother the custody. But in the absence of such agreement the *Agar-Ellis Cases*, 1878, 10 C.D. 49, and 1883, 24 C.D. 317, show how absolute the father's powers were. In the first case the father was assisted by the court to enforce his religious views in respect of his children's teaching against the mother, although he had promised her otherwise before marriage; in the second he was allowed to place restrictions on the intercourse between his wife and sixteen-year-old daughter, although the latter was, in fact, a ward of court.

His arbitrary powers were, however, further curtailed by the Guardianship of Infants Act, 1886, "essentially a mother's Act," as Lord LINDLEY observed in his well-known judgment in *Re A and B, infants*, 1897, 1 Ch. 786. In cases where there was a fund to maintain the infants independently of the father, s. 5 of that Act gave Chancery judges a very free hand in balancing the wishes and conduct of both parents. In the case in question there were faults on both sides, but, notwithstanding those of the mother, the court gave her the custody of the children. Under this Act it might theoretically be possible for a court to deprive a father of the custody of his children in the absence of any misconduct on his part, but research has failed to produce a reported case of the sort. In *Re Russell*, 1887, 83 L.T.J. 202, the father was a lunatic.

In any case the Act of 1886 had two great limitations: (1) The High Court alone could make an order under it, and (2) No order of maintenance could be made against a father. In *Thomasset v. Thomasset*, *supra*, LINDLEY, L.J., said, "I know of no case in which a father has been ordered by a Court of Equity to maintain his child." The existence of a separate source of maintenance, either from the mother's separate income or otherwise, was thus a condition precedent to making an order under the Act depriving the father of the custody.

The new Act, however, sweeps away all such limitations. Section 1 provides that any court considering any question concerning the custody or upbringing of an infant must regard the welfare of the infant as the first and paramount consideration. It was questioned in debate whether this was not merely a statement of the existing law, but perhaps this is too wide a view. In *Re A and B, supra*, LINDLEY, L.J., observed in his judgment (p. 790): "I do not say that it [i.e., the Act of 1886] has much, if at all, diminished the rights of fathers except as regards mothers," and RIGBY, L.J. (p. 793): "the court is not to forget the rights of the father." But whatever may be the correct view of the old law, the new Act makes it clear that a court not only may, but should, over-ride paternal rights if this course is to the infant's interest.

By s. 2 the mother has the same power to apply to the court in any matter affecting an infant as the father, and this will no doubt enable her to use the process of "*habeas corpus*" for the custody of a child in her husband's lifetime, and, it would seem to follow, even against him.

The third section, however, marks the culmination of the mother's powers. By it she is enabled, even when living with her husband, to apply to the court for the custody of the infant family and the court may make an order in her favour accordingly, and further require the husband to pay her for their maintenance. This order only comes into force after the mother has left her husband, and lapses if she remains with him for three months afterwards.

Sections 4 and 5 concern guardianship after the death of one parent, and levels up the rights of the mother to those of the father. The concessions made by the Act of 1886 fell somewhat short of this. By s. 6, if joint guardians disagree, a court may decide.

Section 7 immensely widens the scope of the 1886 Act by giving courts of summary jurisdiction power to make orders,

with certain limitations, one being that the maintenance order against a father must not exceed £1 a week for each infant.

Section 9 deals with consents requisite to the marriage of infants, and makes important changes in the law. Previously, the consents requisite were, in the case of a legitimate child, that of the father if alive, otherwise of the mother if surviving, or of a guardian of an orphan. In the case of an illegitimate child, it is stated in Halsbury's Laws, vol. XVI, p. 296, that no consent is necessary other than that of a guardian appointed by the court. But the three old cases cited show that there was considerable doubt on the construction of the Marriage Act of George II. In respect of the present Act of 1823, it seems assumed in practice that the parental consent required by s. 16 is unnecessary in the case of a "*nullius filius*." The new Act neatly tabulates the requisite consents in any given circumstances in a schedule. The most important innovations are the necessity in the case of a legitimate child of the mother's consent as well as the father's, if alive, and, in the case of an illegitimate child, of the consent of the mother. Comment may be made that a father acknowledging paternity ought to have a similar right, and the important circumstance of an infant being a ward of court is not dealt with. If the schedule is to be deemed exhaustive, the court loses its power of consent to a ward's marriage during either parents' lifetime.

Nevertheless by far the most controversial section is the third, which gives magistrates power not only to over-ride a father's wishes in respect of the custody, religion, and education of his children, but also to require him to pay for their teaching in a religion of which he may highly disapprove, and that even in circumstances in which his conduct as a father or husband is not called into question. No doubt it is assumed that in the ordinary case a court will not make an order against a good father. Yet it is easy to conceive of a case where such an order ought to be made having regard to s. 1, i.e., if the wife's father, a wealthy man, offers to settle money on the children on condition that they are brought up in his own religion, which differs from that of the husband, a poor man. If such a case—and it is not an uncommon one—ever comes into court, the Act will be open to the obvious criticism that it encourages the separation of married couples. It is also open to the criticism that until a wife's separate income, whether restrained or otherwise, is liable for the maintenance of the family, the "equality of responsibility" between the sexes postulated by the preamble is very far from being accomplished.

F.

Mistaken Identity: The Beck Case.

IV.—THE SEQUEL TO BECK'S CONVICTION.

WE saw last week that BECK was convicted in circumstances which precluded the defence from raising the real plea in his favour. BECK was convicted and sentenced to seven years' penal servitude in 1896. He made an impressive, but, of course, unavailing, protest of his innocence. His solicitor and he, immediately the term of his sentence commenced, made a vigorous appeal to the Home Office to set aside the miscarriage of justice. They put forward the evidence of BECK's absence from England in 1877, the precise similarity of the offences to those committed in that year, and the identity between the handwriting of the exhibits in 1877 and in 1896. The Home Office considered the case, and called for a report of Sir FORREST FULTON, who unfortunately took a view thoroughly adverse to the prisoner, and even made an error as to the details of the evidence of identification. In the meantime the Home Office were aware that BECK was not SMITH, for they had discovered that SMITH had been circumcised and had a mole on his neck, whereas BECK had not been circumcised and had no mole. They also had the handwriting in their possession, and ought to have seen the obvious

identity between that of SMITH in the crimes of 1896, together with the obvious difference between the latter handwriting and that of BECK.

THE SUBSEQUENT AGITATION.

On those facts, we certainly think that the Home Office should have felt the conviction to be too unsafe to stand, and ought to have advised the exercise of the Prerogative of Mercy in BECK's favour. Unfortunately, this was not done. A later Under-secretary has said that in these facts he would have acted precisely as the then Under-secretary (Sir KENELM DIGBY) acted, and would not have interfered. If so, we can only say that the Home Office point of view is regrettably lacking in elasticity. There are crimes where a conviction by a jury is almost inevitable on the face of the evidence, but where the Home Office ought to realize—having the advantage of knowing facts that cannot be adduced before a jury—that the guilt of the prisoner is a matter of serious doubt. In such cases the Home Office ought to have the moral courage to firmly state its doubts and release the prisoner.

This action would have been very unpopular in 1896, when public opinion was deeply incensed against the mean crimes on unfortunate women which it supposed BECK to have committed, and probably the officials of the Home Office would have been subjected to a severe press attack if they had interfered on his behalf. In certain quarters it has been hinted that some lack of moral courage, some unwillingness to face adverse public opinion, may not have been wholly lacking in responsibility for the failure of the Home Office to consider with sufficiently detached minds the real weight or lack of weight of the evidence in the BECK case. Here, however, it is probable that the critics are wise after the event and attach to the weak links in the chain against BECK, as we now know them after the strange dénouement of 1906, a greater importance than was then apparent.

Be this as it may BECK's petition for reconsideration of his case was refused, and he duly served out his sentence. Released from prison, he retired into private life, from which he would probably never have emerged into the light of day but for the extraordinary occurrence that was to happen nearly ten years after the sad miscarriage of justice we have just related. BECK was to appear once more before a court of criminal justice. He was to be tried once more, an innocent man, of mean frauds on women. He was to suffer the awful misery of being convicted once more. And only an accident, in which our ancestors would perhaps have seen the direct interposition of providence led to his escape from a second period of unmerited detention in penal servitude.

THE SECOND CONVICTION OF BECK.

For fifteen months after his release on "Ticket of Leave," BECK stayed with a clergyman in Whitechapel. In October, 1902, he went home to Norway. On his return he went to reside in the Central Hall, Percy-street, Tottenham Court-road, but was turned out when the police went and told the manager about him. He took steps to interest the press and the public in his case, and Mr. GERY REEVES SIMS took up the cudgels on his behalf in the *Weekly Despatch* in an article styled "Mistaken Identity—the Strange Case of Adolf Beck—where is John Smith?" An advertisement was inserted in the press, asking anyone who could throw any light on the events of 1894-5 to communicate with BECK's solicitors.

Then came a bolt from the blue! A new series of offences precisely similar to those of 1877 and 1895 suddenly occurred. The police, not unnaturally, arrested BECK. Once more a number of the women victimised, a new group of women, of course, imagined that they had identified BECK as the culprit; many more failed to identify him. Once more he was arrested, charged and convicted. We need not enter into the details of the new charge. The trial judge was Mr. Justice GRANTHAM, and after conviction he expressed his entire concurrence with the verdict of the jury.

Then a strange thing happened. The prisoner made a passionate protest of his innocence, as prisoners so often do in such circumstances. Usually judges are unmoved by such protests. But on this occasion Mr. Justice GRANTHAM was strangely impressed by the prisoner's appeal. He postponed sentence and directed special inquiries into the statement just made from the dock by the prisoner. Whilst these inquiries were proceeding, a police detective caught SMITH in the act of victimising women in the way alleged against BECK. SMITH in due course pleaded guilty, and there is no doubt whatever that he was the culprit in the events of 1904; the victims identified him as the man. He was sentenced to penal servitude by Mr. Justice PHILLIMORE. Of course, BECK's case had been once more postponed and after the report of a Committee of Inquiry he was pardoned and compensated.

It is not necessary to repeat here the story of the Council of Inquiry presided over by Lord Justice COLLINS, as he then was. Not only did it conclusively exculpate ADOLF BECK, whose innocence was indeed patent for many reasons, but it made a severe attack on the ruling of the Common Serjeant in the trial of 1895. For reasons already given we doubt the correctness of that criticism. But what is more important, its strictures brought about a public agitation in favour of a Court of Criminal Appeal which the official world was unable to resist, and a year or two later the present court was established by Act of Parliament. Unfortunately, it has taken a rather narrow and unprogressive view of its powers of interference with the verdict of juries, and it is almost certain that according to the principles on which it now acts, the Court could not have quashed on appeal BECK's conviction in 1895.

Here we must drop the story of ADOLF BECK. The case is beyond any question one of the most amazing on record. The chapter of accidents the succession of coincidences unfavourable to the prisoner; these are very remarkable. But we are inclined to think that such apparent coincidences happen more frequently than is generally believed to be the case by lawyers inexperienced in criminal trials.

M.

(Concluded.)

The Inns of Court : Lincoln's Inn.

THE Honourable Societies of the Middle and Inner Temple have many doubts about the precise time of their foundation and arrival in their present home. But at least they are quite sure how they got their name of Templars. But even this modest proof of parentage is denied their colleagues of Lincoln's Inn. Their present home is built on land which has never had anything to do with anyone of the name of Lincoln. The Society first came there between the years 1412-1422, when they were granted a lease of it by the BISHOP OF CHICHESTER, whose predecessors had possessed it since its first grant to RALPH NEVILLE, the then Bishop of Chichester, in 1227. There is no certain reason why the incoming society of lawyers brought the name of Lincoln with them. There is, however, an ingenious and even plausible theory to account for it, but so many wild guesses have been the fate of Lincoln's Inn that one has to be careful. Even Stow lost his head in this case and put generations on the wrong scent by thinking that the House of the Blackfriars, which an Earl of Lincoln bought in 1286, was on this plot; whereas it was at the north-east end of Shoe-lane. There must be something too highly tonic about the air of this home of otherwise careful conveyancers. One learned silk of the Inn, when writing its history, even went so far as to declare recently that the chapel had been built by INIGO JONES after consultation with Sir CHRISTOPHER WREN, which was a somewhat miraculous event, since WREN was not born until nine years after the chapel was consecrated!

Nevertheless, there is a clue of a kind in STOW's information, combined with other facts. There is a resolution in the Black Book on 2nd February, 1551, "that Davy's Inne is purchasid to the use of the Fellowship of this Howse." They had already purchased Furnival Inn in 1548. Now there was a house in Shoe-lane opposite the manor house that was built there when the Earl of Lincoln bought the land from the Black Friars, as already mentioned. This house was owned in 1348 by one JOHN THAVIE or TAVY. COKE, by adding the word "*legis*" to the term "*apprenticii*" in quoting a will of that date, started a theory that this House of Thavie was inhabited by students of law. But when it was discovered that the word "*legis*" was not there, then the whole argument becomes very misty, except for the fact that Thavie's Inn at sometime or another became an Inn of Chancery, which at some also uncertain date, came under the rule of Lincoln's Inn—for that society had governed it long before it was purchased in 1551. There is therefore at least a plausible case—it is little more—that some apprentices of law living at Thavie's Inn called themselves after the name of the great nobleman who lived over the way.

DUGDALE summed up the case thus (see learned article by Mr. W. P. BAILDON in Black Books, IV, 263 *seq.*): "Of this HENRY, Earl of Lincoln is the tradition still current amongst the Antient here [at Lincoln's Inn] that he, about the beginning of King EDWARD the Second's time, being a person well affected to the knowledge of the laws, first brought in the professors of that honourable and necessary study, to settle in this place, but direct proof thereof from good authority I have not as yet seen." As Mr. BAILDON points out, the tradition must be at least as old as 1518, for the arms of the LACY's of Lincoln were then put up on the gatehouse and elsewhere in the Inn. He accepts the tradition as based on the truth; and suggests that this truth was as follows: The *apprenticii* of THAVIE's will were really law students; and they had Lord LINCOLN for their patron. This group of lawyers moved later to Furnival Inn in Holborn (where the Prudential Insurance Society now stands); and to their present abode in the beginning of the fifteenth century, as we have seen above. The most obvious fact, after all, is that the Society now bears the name of Lincoln and uses that family's arms. The explanation given above is the best solution of that definite fact.

The Black Books, or records, of Lincoln's Inn, go back earlier than any other official documents of any Inn of Court. They begin in 1422, so far as they have been preserved, but, of course, it is clear that the Society was then of a mature age, and had long been established. There is a very valuable passage in these records for 1467, which states that EDWARD IV "commanded the four Inns of Court, that each Inn should order four men of the Inn to attend the King armed" at a tournament in Smithfield. Mr. BRUCE WILLIAMSON (The Temple, p. 92) has pointed out the important fact that it was about this time that the year books began to state the Inns from which the Serjeants came; and he quotes a passage from Year Book, 3 Ed. IV (1463), which refers precisely to the four Inns by name, "Middel Inne, Lincoln Inne, Graies Inne and Inner Inne."

Lincoln's Inn has not preserved a hall or chapel equal to the Middle Temple Hall or the Temple Church. But it has the most perfect of the Inn gateways, namely, the East Gate, which is still substantially of the 1517 building. The Black Book, in 1520, records the fact that the expenses were in part met by the fines inflicted on eight members of the Society, who had stolen a doe from a poor man who had left it at the gate. The old buildings immediately inside the gate, were built between the period of the gatehouse and the first few years of the seventeenth century. The whole form one of the finest groups in London. New Square is an equally valuable example of a later date; it was built between 1682-93. The still later Stone Buildings of 1780, are also a classic example

of their period. Taken as a whole, the Inn can take pride that it has preserved a standard of good taste to an age which has so often become vulgar and commercial.

The Chapel and the Old Hall are disappointing. The former was built by INIGO JONES in 1623; but restored in 1797 and 1883. The Old Hall had been the Bishops of Chichester's Hall in earlier times, but it appears that it was almost entirely rebuilt in 1489; and sadly covered with stucco in later years. It is now being saved from these indignities by what, we hope, will be a real restoration. The New Hall and Library are of the Victorian age, and were opened by that Queen, and her Consort, in 1845. They are a far cry from the earlier history of their Society; but with their gardens and the peace of the surrounding Inn, they are one more piece of evidence that some of the best things in this world are done by old-established groups of men, following a stable tradition.

T.

Solicitors in the Colonies.

III. LEGAL PROSPECTS IN THE FAR EAST AND THE FAR WEST.

There are wealthy Chinese merchants in abundance everywhere in the East; and there are few native lawyers of any great standing. The European is in demand as a lawyer. There are firms in the Straits which will readily engage on a three years' contract young and efficient solicitors or barristers at highly promising salaries. But, here, of course, a word of warning is necessary. The employee should resolutely refuse to accept a clause restricting his right to practise after his term is over; practice is so easy to get and so lucrative that firms nearly always try to put in unduly harsh limitations. Some modification of these, on terms equitable to both parties, should be attainable. As regards the cost of living in the East, undoubtedly this is high. But the newcomer can get work so quickly that he can take some risks here which he cannot take safely in Kenya or in India. Another drawback, of course, is the hot climate, which renders it undesirable to take out an English wife and impossible to bring up one's children in the country. But the solicitor who is willing to endure exile between twenty-five and forty years with a reasonable certainty of returning with a moderate fortune at the latter age can, perhaps, contemplate with fortitude the postponement of matrimony until he is middle-aged.

INDIA'S CORAL STRANDS.

Let us first turn from "Afric's sunny fountains" to "India's coral strands." Here we must say that our information is not at all encouraging as regards the prospects of an English lawyer-emigrant. Only a quarter of a century ago it was very different. Then an English lawyer who went to Bombay, Calcutta, or Madras, if he lived wisely and worked reasonably hard, could be fairly certain of acquiring a competence. It was the same, of course, if he became a merchant or a planter or an engineer. The services of the efficient and capable European commanded the local market. But nowadays all this is changed. Race hostility, it is idle to disguise, has spoiled the English lawyer's market amongst the native Indians. Their own countrymen become pleaders or "*wakils*" in tens of thousands; racial patriotism leads the Indian of to-day to employ his fellow-Indian in preference to a European. At least this is so with the only people in India who have any spare money, the mercantile, professional, manufacturing and shopkeeping classes.

Of course, there are old-established firms of lawyers who are still doing well; but the newcomer has a very slender chance. Even if he buys a practice in an old European firm, he will probably find it slipping away from him. For the Indians trust, not the business, but the personality of the practitioner; and it is not easy for a *novus homo* to win their confidence under

modern conditions. Still, India is not quite hopeless. There are still prospects for the ambitious lawyer who is willing to wait and will try to get on good terms with natives. Formerly his best chance was in the great commercial city of Bombay; to-day, Bombay is democratic, pro-Indian, and distrustful of Europeans. But in Calcutta or Madras, we hear there are, still openings. Only living is costly in the East where caste-conventions compel the European to employ about twenty native servants. Therefore the beginner who has no store of capital cannot be advised to try India. Somewhat similar conditions apply in Ceylon and in Mauritius.

But when we turn from India to the Far East, prospects are much brighter. In Hong Kong, in Shanghai, in the Straits Settlements and in Malaya, the chances for a newcoming lawyer are relatively very good. If he has enough money to support him for twelve months, he can almost certainly get a livelihood; that is, if he has efficiency and does not drink or gamble. After a long stagnation, Malaya is going ahead once more. Rubber, which in the slump of 1920 fell to a few pence per pound, has now risen once more to about three shillings and sixpence, a price which, if sustained, should set all the rubber enterprises booming again. Then coco-nuts, minerals, spices are flourishing propositions; and in addition, Singapore, Hong Kong, Shanghai are vast *emporiums* and *entrepôts* of inter-continental trade.

ON THE SPANISH MAIN.

ANOTHER part of the world where in former days some practitioners found possibilities for a legal career is the West Indies, the oldest of our Imperial Colonies. There are nine West Indian Colonies in all, namely, British Guiana, British Honduras, Jamaica, Trinidad, Windward Islands, Leeward Islands, Barbados, the Bahama Islands, and the Bermuda Islands. Of these two are continental possessions in South America and Central America respectively. Three are single islands, namely, Jamaica, Trinidad, and Barbados. The other four are federations of small islands. But in all nine the conditions of legal practice are much the same. In each there is just one capital city of any size in the colony and here is found all the legal practice. In each the population consists almost entirely of peasant proprietors, although in the islands there are also large plantations on which the coloured peasants work for wages from time to time; but there is hardly any urban population except a few merchants, shopkeepers, professional men, and officials. Consequently the islands are nearly all poor, and the practice is of a not very remunerative kind. On the other hand, the cost of living is exceptionally low everywhere except Trinidad, a flourishing go-ahead island whose capital, Port-au-Spain, is the *entrepôt* for the trade of the Orinoco Basin, Jamaica, which has a wealthy planter class, and the Bahamas, which are overrun with Americans in flight from their own Prohibition Law.

Now, until quite recently, practice in the West Indies was in rather unusual hands. The planters, in the old days, were prosperous landed gentlemen whose sons were brought up in English public schools and universities; very many of them went to the Inns of Court, instead of Oxford or Cambridge, following the older practice of English country gentlemen which prevailed before the nineteenth century, and getting called to the Bar as a matter of course. Some of them afterwards practised in their own colony, and from this class came the judges, magistrates, and law officers of the West Indies. In those days it was quite useless for a stranger to settle anywhere in the West Indies; an Englishman might just as well have attempted practice in Edinburgh or Dublin. Local clannishness was against him.

But with the decay of the planters in the course of the nineteenth century, due to the ruin of sugar, coffee and tobacco in rapid succession, as the result of foreign tariffs or the emancipation of the slaves and the difficulties of getting constant labour, this class of wealthy gentry whose sons were

called to the Bar vanished. Their place has been taken very largely by practitioners of native extraction, by Europeans whose fathers are officials or merchants in the islands. The Bar and the Rolls are found almost everywhere, although in Trinidad and Jamaica the two professions remain distinct. Fees are low, and in many islands, e.g., Dominica, ruined by the Withertip, which has blighted her once flourishing lime plantations, there is hardly enough work to give even one European lawyer a living wage. The result is that there does not seem to be much opening for an Englishman, especially if he has no local connexion, in most of the West Indian Colonies. Perhaps, however, British Guiana is an exception. This magnificent province must some day go ahead; recent discoveries of gold and diamonds suggest that one day there will be a rush. A venturesome practitioner might perhaps take risks and try his fate in Georgetown, Guiana's beautiful capital.

M

(Concluded.)

CONGRESS ON MARITIME LAW.

COMPULSORY INSURANCE PLAN FOR PASSENGERS.

The 15th Congress on Maritime Law, convoked by the International Maritime Committee, was declared open on Monday last in Genoa, in the presence of 100 delegates representing seventeen nations, M. Louis Franck, the President of the Committee, took the chair.

After opening speeches by Signor Rocco, the Minister of Justice, who represented the Italian Government, and by Professor Francesco Berlingieri, who spoke in the name of the Italian Association of Maritime Law, of which he is the President, M. Franck said that three new conventions were awaiting signature by the Powers at the Belgian Foreign Ministry. They were an international code of affreightment, a convention regarding the immunity of State-owned vessels, and a project for the compulsory insurance of passengers. He added that the first two of these conventions had already obtained the adhesion of two-thirds of the world's tonnage, but the third convention still met with objections, although he hoped they would be dispelled during the congress.

Professor Berlingieri was then elected the President of the Congress, and opened the discussion on the compulsory insurance of passengers. M. Ripert, for the French delegation, said that he was in favour of the main provisions of the convention. Signor Rocco, who followed M. Ripert, declared that the Italian delegation approved the project, but proposed that indemnities should be paid without delay, and that the premium should be paid by the passengers. The German delegate, Herr Rieveling, thought that the insurance would place a new and serious burden on the shipowners. Nor did he agree that a State should insure emigrants who left their country for good. The German delegation was against the project.

Mr. J. Sandeman Allen, M.P., the President of the Liverpool Chamber of Commerce, and the delegate of the Association of British Chambers of Commerce, could see no danger for the shipowners and observed that international unification of the law should precede rather than follow the laws of separate nations. The insurance, in his opinion, should apply to all passengers in order to keep the premium low and make administration more simple. Sir Norman Hill, a former Vice-President of the Chamber of Shipping, supported the project, which he had helped to elaborate at the Paris meeting of the International Committee in 1924, and associated himself with the arguments of Mr. Sandeman Allen.

INCREASE OF SMUGGLING.

HEAVY PENALTIES BY DOVER MAGISTRATES.

In order to stop smuggling by cross-Channel passengers, the Dover magistrates recently decided to act under the Customs Consolidation Act, under which a penalty of £100 can be imposed in respect of each article. The Mayor said that the infliction of treble value and duty fines appeared to have no effect.

Walter Edward Arnold Mooby, of Carisbrooke, Rotherfield, Sussex, was fined £200 for smuggling a gold watch and two pairs of silk stockings. The watch had been bought in Switzerland for 650f.

The solicitor prosecuting for the Board of Customs said they did not press for more than treble value and duty, but the magistrates maintained their fine, subject to the approval of the Board. The defendant paid £120 on account.

Landlord and Tenant Notebook.

There does not appear to be any direct decision on the question whether a statutory tenant (i.e., a tenant whose term has expired, and who continues in possession solely by virtue of the protection afforded by the Rent Restrictions Acts) is entitled to the benefit of options contained in the original lease or tenancy agreement. The nearest approach to any such decision is the case of *McIlroy*

Lid. v. Clements, 1923, W.N. 81, 149. That case, however, cannot be regarded as authoritative on this point, since the court there came to the conclusion that the tenant was not entitled to exercise the option, on the ground that the evidence showed that the option had been waived or abandoned.

The only report of that case which appears to be of any assistance is the report in the court below (1923, W.N., at p. 81), and from a perusal of Mr. Justice Lawrence's judgment it would appear that a statutory tenant might

Option for a Lease.

be entitled to exercise an option for a lease, not indeed on the grounds that the option is to be regarded as a term of the original contract of tenancy, within the meaning of s. 15 of the Act of 1920, but on the ground that such an option may be exercised so long as the tenant remains in possession with the consent of the landlord, the same position being brought about in the case of a tenant holding over under the Rent Restriction Acts as that in the case of a tenant holding over with the consent of the landlord. It is difficult to see how there can be said to be any analogy between a statutory tenant and a tenant who continues in possession with the consent of his landlord after the expiration of his term. While in the latter case the relationship is purely contractual, in the former the relationship is purely statutory and not that of landlord and tenant at all. As Bankes, L.J., said, in *Keeves v. Dean*; *Nunn v. Pellegrini*, 1924, 1 K.B., at p. 690, in referring to the expression "statutory tenant," "I think it is a pity that that expression was ever introduced. It is really a misnomer, for he is not a tenant at all; although he cannot be turned out of possession so long as he complies with the provisions of the statute, he has no estate or interest in the premises such as a tenant has. His right is purely a personal one . . ." If then the position of a statutory tenant is as indicated by Lord Justice Bankes in *Keeves v. Dean*, *supra*, it seems inaccurate to say that the "same position has been brought about" (in the case of a statutory tenant) "as that in the case of a tenant holding over with the consent of the landlord." The better view therefore would appear to be that a statutory tenant is not entitled to exercise an option for the granting or renewal of a lease.

So far I have dealt with options for leases; it is necessary to consider shortly the position of options to purchase. Such options differ materially from options for leases. In the first place, options for purchase are subject to the rule against perpetuities, and they must be exercisable, if at all, within the period of a life or lives in being, from the date of the grant of the option and twenty-one years after. Options for leases on the other hand are not subject to this rule. Secondly, options for purchase, at any rate in the absence of express agreement to the contrary, must be exercised before the determination of the lease or agreement, whereas options for leases may be exercised even subsequently provided the relationship of landlord and tenant continues (*Rider v. Ford*, 1923, 1 Ch. 541; *Bradbury v. Grimble*, 1920, 2 Ch. 548). Inasmuch as an option for purchase is not exercisable after the determination of the tenancy, and inasmuch as it is merely personal and outside the relationship of landlord and tenant, it would appear that neither is such an option exercisable by a statutory tenant.

Law of Property Acts.

POINTS IN PRACTICE.

In this column questions from Subscribers are invited and will be answered by an eminent Conveyancer. All questions should be addressed to—The Manager, "The Solicitors' Journal," Oyez House, Fetter Lane, E.C.4. The name and address of the Subscriber must accompany all communications which should be typewritten (or written) on one side of the paper only, and be in duplicate.

Question.—The Lord High Chancellor has issued two rules or orders purporting to be in exercise of the powers conferred upon him by ss. 46 and 179 respectively of the Law of Property Act, 1925. By s. 209 it is prescribed that the Act is to come into operation on the 1st January, 1926. Were there any powers vested in him on 7th August, 1925, the date of the orders, to make them?

Answer.—Yes: see s. 37 of the Interpretation Act, 1839: "Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, or confers power to make any appointment, to make grant or issue any instrument, that is to say, any order in Council, order, warrant, rules, regulations or bye-laws, to give notices, to prescribe forms, for the purposes of the act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the act so far as may be necessary or expedient for the purpose of bringing the act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary appears in the act or the contrary is necessary for bringing the act into operation, come into operation until the act comes into operation."

Question.—If, to shorten a will, I, in drafting, refer, say, to Form 2 (as to personal chattels) or Form 8 (as to trustees' powers) of the Statutory Will Forms, 1925, and the testator should happen to die this year, what would be the attitude of the Probate Registry as to incorporating documents by reference?

Answer.—The answer to the last question shows that the "Statutory Will Forms" is a public document, identifiable without difficulty, though at the date of the testator's death having no statutory validity. It should be no more necessary to incorporate this document in the probate than, for example, the Statutes of Distribution if the testator referred to them in his ultimate trusts, or the report of *Howe v. Dartmouth* if he specifically excluded the rule laid down in it, as in a precedent in a well-known text-book. But, the document being incorporated, the will would be constricted in the Chancery Division by reference to it, and it would be valid for the purposes of the will because the testator had made it so. Cf. Hall, V.C. in *Bizzey v. Flight* (1876), 3 C.D. 269, at p. 273. "The question often arises in the Court of Probate whether a particular document shall or shall not be incorporated in the probate of a will by being set out therein. It is often convenient that a document should be so set out. It is, however, I consider, substantially a question of practical convenience, and if a will confirms an instrument which is sufficiently identified and probate passes leaving in the clause containing the confirmation, the instrument must, I consider, be had regard to as if it were set out in the probate." It is suggested, however, that it would be wiser to omit reference to the forms until they have statutory validity.

Question.—Whether a first mortgagee on executing a re-conveyance is bound to search the register for any possible subsequent charges created by the mortgagor?

Answer.—In general a mortgagee will not re-convey, but merely endorse a receipt which will have the effect stated in the Law of Property Act, 1925, s. 115. But, in accordance with s.s. (4), *ibid*, a mortgagee may require a re-conveyance if he has bargained for it and has not lost the right, which he would have done if he had subsequently incumbered his interest. Subsequent incumbrancers are not prejudicially

affected by this receipt, see *ibid*, s-s. (3). Thus a receipt may safely be given, but a first mortgagee must have regard to s. 96 (2) before he hands over the title deeds. By s. 198 he has notice of subsequent incumbrances registered under s. 10 of the Land Charges Act, 1925, any such incumbrance being included in class C of s-s. (1). He must therefore search accordingly before handing over the deeds. This answer applies to unregistered land only.

Question.—How far back should searches on behalf of a purchaser—especially for second mortgagees—be made? Is it sufficient to make them only against the last vendor, or against all owners since 1st July 1926? (qy. 1st January, 1926?)

Answer.—Search should be made in the name of every owner appearing on the title, just as at present, unless, by official certificate of search or otherwise, the purchaser's advisers are satisfied that search against a particular name is not necessary. As to the effect of the official certificate of search, see s. 17 of the Land Charges Act, 1925, superseding s. 2 of the Conveyancing Act, 1882. Five years is the limit of a *lis pendens* not re-registered, see Land Charges Act, 1925, s. 2 (8).

Question.—Must there always be two trustees to give a receipt for money arising under a trust for sale?

Answer.—Of personality, no, of realty, yes, unless the sole trustee is a "trust corporation," see Trustee Act, 1925, s. 14. "Trust corporation" is defined in s. 68 (18). See also Settled Land Act, 1925, s. 94. Note that the requirement is imperative and overrides any contrary provision in the settlement, see Trustee Act, 1925, s. 14 (3), thus reversing s. 39 (1) of the Settled Land Act, 1882 in this respect.

F.

A Conveyancer's Diary.

A few points which have not yet been referred to in this

Sales by Mortgagees under the New Law.

column are dealt with in the following paragraphs. Under section 88 of the Law of Property Act, 1925, where an estate in fee simple has been mortgaged by the creation of a term of years absolute limited thereout or by a charge by way of legal mortgage and the mortgagee sells under his statutory or express power of sale, the conveyance by him will operate to vest in the purchaser the fee simple in the land conveyed subject to any legal mortgage having priority to the mortgage in right of which the sale is made and to any money thereby secured and thereupon the mortgage term or the charge by way of legal mortgage and any subsequent mortgage term or charges will merge or be extinguished as respects the land conveyed. Section 89 contains similar provisions in regard to leasehold property sold under the statutory or express power of sale. And s. 104 provides that a mortgagee exercising the power of sale conferred by the Act shall have power, by deed, to convey the property sold, for such estate and interest therein as he is by the Act authorised to sell or convey (that is, as provided by ss. 88 and 89) or may be the subject of the mortgage, freed from all estates, interests and rights to which the mortgage has priority, but subject to all estates, interests and rights which have priority to the mortgage.

By ss. 19 and 20 of the Conveyancing Act, 1881, a mortgagee has only power to pass the estate the subject of the mortgage. So that if the mortgagor obtained the legal estate on the payment off of the first mortgage, and a second mortgagee, who would only have the equitable estate, wished to exercise his power of sale, he could not pass the legal estate to the purchaser. The mortgagor would, of course, be a trustee of the legal estate and could be forced to convey to the person entitled, but this might mean an application to the court.

But, of course, this is all altered under the Act. Second and subsequent mortgagees who are by deed given a term of years have a legal estate, and under the above circumstances could pass the legal estate in the mortgagor.

There is another section in the Act which should be mentioned, namely, s. 113. It provides that a person dealing in good faith with a mortgagee is not to be concerned with any trust at any time affecting the mortgage money, whether or not he has notice of the trust, and that it shall not be necessary for him to investigate the equitable title to the mortgage debt. This section applies to mortgages made before or after 1925, but only as respects dealings effected after that date.

The excepted cases in which the owner cannot overreach an equitable interest or power are as follows:—

Equities which cannot be overreached. (i) Any equitable interest protected by a deposit of documents;

(ii) The benefit of any covenant or agreement restrictive of the user of land;

(iii) Any easement, liberty or privilege affecting land and being merely an equitable interest;

(iv) The benefit of any contract to convey or create a legal estate, including a contract conferring either expressly or by statutory implication a valid option to purchase a right of pre-emption, or any other like right;

(v) Any equitable interest protected by registration under the Land Charges Act, other than—

(a) An annuity within the meaning of Pt. II of that Act;

(b) A limited owner's charge or a general equitable charge within the meaning of that Act.

Therefore an annuity within the meaning of Pt. II of the Land Charges Act, a limited owner's charge and a general equitable charge can be overreached.

As regards tenants in common, where on the 31st December

New Law of Undivided Shares in Land.

next the entirety of land (not being settled land) is vested absolutely and beneficially in not more than four persons of full age as tenants in common it will vest in them automatically by virtue of the Act as joint tenants upon Trust for Sale (Law of Property Act, 1925, Sched. I, Part IV, 1 (2)). So also if after such date land is expressed to be conveyed to the parties as tenants in common the conveyance will operate to vest it in them or in the four first named as joint tenants upon Trust for Sale (*idem*, s. 34). "Statutory trusts" means upon trust to sell the same and to stand possessed of the net proceeds upon trust to give effect to the rights of the persons interested in the land (*idem*, s. 35). And a devise or testamentary appointment coming into operation after the commencement of the Act to two or more persons as tenants in common will operate as a devise or appointment to the trustees, or if none, to the executors upon Trust for Sale (*idem*, s. 34).

E.

WEST HAM GUARDIANS.

NEW PROPOSALS.

The Minister of Health (the Right Hon. Neville Chamberlain, M.P.), who was accompanied by Sir Kingsley Wood, M.P., received a deputation from the West Ham Board of Guardians on Tuesday, to consider the position that has arisen in the area, through the Board declining to accept a loan of £350,000 to replenish its exhausted funds available for relief, on conditions imposed by the Ministry. One of those conditions was that the scale of relief in the union area should be reduced by 25 per cent.

Proposals for a settlement of the difficulty were discussed, and these are to be submitted by the deputation to a special meeting of the Board. By arrangement with the Minister it was agreed that the details of the new proposals should not be disclosed until they were placed before the full Board.

New Rules.

SUPREME COURT, ENGLAND. PROCEDURE.

THE RULES OF THE SUPREME COURT (POOR PERSONS), 1925.
DATED 10TH SEPTEMBER, 1925.

We, the Rule Committee of the Supreme Court hereby make the following Rules:—

ORDER XVI.

1. Part IV (Rules 22 to 31N, both inclusive, of Order XVI of the Rules of the Supreme Court, 1883, shall (except as provided by Rule 6 of these Rules) be annulled, and the following Rules shall stand in lieu thereof, viz.:—

"IV.—Proceedings by and against Poor Persons.

22. Any person obtaining a certificate under this Order shall be admitted to take or defend or be a party to any legal proceedings in the High Court of Justice (except bankruptcy proceedings and criminal causes or matters) as a poor person on the terms and conditions mentioned in the subsequent Rules of this Order. Provided that the following matters shall not be deemed to be criminal matters within the exception to this Rule, viz.:—

(a) Applications to the Court to order a Justice or Justices in Petty or Quarter Sessions to state a case.

(b) Applications for certiorari mandamus or prohibition directed to such a Justice or Justices; and

(c) The hearing of such cases stated and applications.

23. A certificate under this Order means a certificate issued by the Law Society or by any provincial Law Society (after inquiry by a Committee appointed by the Society and approved by the Lord Chancellor and hereinafter called the Committee), signed by two members of the Committee present at the inquiry and certifying—

(1) that the poor person is not worth a sum exceeding £50 (excluding wearing apparel, tools of trade and the subject matter of such proceedings), or in special circumstances a sum not exceeding £100; and

(2) that the usual income from all sources of the poor person does not exceed £2 a week, or in special circumstances a sum not exceeding £4 a week, and

(3) in matrimonial causes, where the wife is the poor person, in addition to (1) and (2), either—

(a) that the poor person and her husband are not worth the amount specified in (1), and that their joint income does not exceed the amount specified in (2); or

(b) that it is reasonable in the circumstances that the poor person should be admitted to take defend or be a party to the proceedings as a poor person; and if so whether the proceedings are limited to such proceedings as are necessary to enable the applicant to obtain security for her costs or are to extent to any, and what, further or other proceedings; and

(4) that the poor person has reasonable grounds for taking or defending or being a party to such proceedings; and

(5) the name and address of the solicitor who has been nominated and has consented to conduct the proceedings on behalf of the poor person (hereinafter called the conducting solicitor).

24. The Committee may require any person claiming a certificate to make an affidavit or statutory declaration as to any facts upon which the claim for a certificate is based.

25. The certificate shall be filed by the conducting solicitor—

(1) in the Central Office if the matter is proceeding or intended to proceed in London in the Chancery Division or King's Bench Division,

(2) in the Principal Probate Registry if the matter is proceeding or intended to proceed in London in the Probate Divorce and Admiralty Division,

(3) in the District Registry of the High Court if the matter is proceeding or intended to proceed in a District Registry.

26. Every certificate complying on the face of it with the requirements of Rule 23 of this Order and purporting to be signed as provided by that Rule shall be accepted by the Central Office or by the Registry as the case may be for the purpose of filing.

27. On the filing of the certificate there shall be issued to the conducting solicitor a memorandum of such filing bearing the stamp of the office where such certificate is filed and in all subsequent proceedings the production of such memorandum shall be sufficient evidence that a certificate in accordance with Rule 23 of this Order has been duly filed.

28. (1) No court fee shall be payable in respect of the filing of the certificate nor in respect of the memorandum to be issued under Rule 27 of this Order and after such filing the poor person named in the certificate shall not be liable for any court fees and unless the Court or a Judge shall otherwise order no poor person shall be liable to pay costs to any other party or be entitled to receive from any other party any profit costs or charges.

(2) Except as provided by this Order no solicitor or counsel shall take or agree to take or seek to obtain any payment fee profit or reward for the conduct of the proceedings or for out-of-pocket or office expenses and any solicitor or counsel so doing shall be guilty of contempt of court.

(3) If any such payment fee profit or reward shall be made given or promised the certificate may be ordered to be taken off the file in which case the poor person shall not afterwards be admitted in the same proceedings as a poor person unless otherwise ordered.

(4) The Committee may from time to time allow such payments of money to be made by the poor person to the solicitor in respect of out-of-pocket expenses (not including office expenses) as they may consider just.

(5) The Committee may require a poor person in a matrimonial cause or in any other proceedings where in the opinion of the Committee the special circumstances so require to deposit with them or as they shall direct in order to cover the out-of-pocket expenses of the conducting solicitor any sum of money not exceeding in the first instance the sum of £5 and if such deposit shall in the course of the proceedings be found insufficient such further sum not exceeding £5 as the Committee may direct. Every sum so deposited shall be utilised by the Committee only for the payment to the solicitor of any out-of-pocket expenses (not including office expenses) properly incurred in the course of the proceedings and any surplus shall be repaid to the poor person.

29. The Court or a Judge may at any time (and whether or not any application be made by any Law Society or by any person for that purpose) discharge the certificate and direct it to be taken off the file and thereupon the poor person shall not be entitled to the benefit of this Order in any proceedings to which the certificate relates unless otherwise ordered.

30. (1) No poor person nor any solicitor conducting the proceedings for him shall discontinue settle or compromise such proceedings without the leave of the Court or a Judge or of the Committee.

(2) No poor person shall discharge any solicitor or counsel acting for him without the leave of the Court or a Judge, or, in the case of a solicitor, the Committee.

(3) No solicitor or counsel acting for a poor person shall be at liberty to discontinue his assistance unless he satisfies the Court or a Judge, or, in the case of a solicitor, the Committee that he has reasonable ground for so discontinuing.

31. Should the conducting solicitor discover at any time that the poor person (or in matrimonial causes where the wife is the poor person that she or her husband) is possessed of means beyond those stated in the certificate he shall at once report the matter in writing to the Court and to the Committee which nominated him.

31A. In matrimonial causes every petition and answer shall be drawn by a barrister and signed by him and proofs of the witnesses shall be furnished to him with the instructions to draw the petition or answer.

31B. Costs ordered to be paid to a poor person shall be taxed. In taxing such costs the Taxing Master may allow any out-of-pocket expenses (but not office expenses) properly incurred in the course of the proceedings. Where it appears to the Court or a Judge that the special circumstances of the case require it, the Court or a Judge may order that such costs shall include profit costs and charges, but not any fees to counsel.

31C. The Court or a Judge may order to be paid to the conducting solicitor out of any money recovered by the poor person, or may charge in favour of the conducting solicitor upon any real or personal property recovered by a poor person such sum in respect of costs (not including fees of counsel) as would have been allowed to the solicitor on taxation between himself and his client if he had been retained by his client in the ordinary manner (less such amount as may be recovered from any other party), or such other sum in respect of costs as to the Court or a Judge may seem fit, provided that the total amount so to be paid out for profit costs, or so charged upon the said property for profit costs, shall not in either case exceed one-fourth of the amount or value recovered and remaining after the deduction therefrom of all proper disbursements made by the solicitor.

31D. Every notice of motion, summons or petition on behalf of a poor person (except an application for the discharge of his solicitor) shall be signed by his solicitor, and it shall be the duty of such solicitor to take care that no application be made without reasonable cause.

31E. There shall be no appeal as a poor person to the Court of Appeal by anyone admitted to take or defend or be a party to any legal proceedings under the Rules of this Order without leave of the Court or of the Judge before whom the matter is heard or of the Court of Appeal.

31F. Any person who has not taken, defended or been a party to any legal proceeding as a poor person in the High Court and any party to proceedings in a Court other than the High Court from which an appeal lies direct to the Court of Appeal shall be admitted on an appeal to the Court of Appeal as a poor person on obtaining a like certificate as is provided by the Rules of this Order for the High Court and upon such certificate being filed in the Central Office the provisions of the preceding rules shall *mutatis mutandis* apply to all proceedings in the Court of Appeal.

31G. Nothing in the Rules of this Order shall operate as a stay of any proceedings unless so ordered by the Court or a Judge or by the Court of Appeal.

31H. Rules 22 to 31G (inclusive) of this Order shall apply to (a) proceedings for divorce or other matrimonial causes, and (b) proceedings on the Crown side of the King's Bench Division.

ORDER XXXV.

2. The following Rules shall be inserted in the Rules of the Supreme Court, 1883, after Order XXXV as Order XXXV.

"ORDER XXXV.

Proceedings in District Registries by Poor Persons under the Matrimonial Causes Acts.

1. *Interpretation and application.*—(1) In this Order:—

"The President" means the President of the Probate, Divorce and Admiralty Division of the High Court;

"The Divorce Registry" means the registry established for the purposes of the Matrimonial Causes Acts at the Royal Courts of Justice and at Somerset House in the County of London;

"A Registrar" means one of the Registrars of the Principal Probate Registry;

"The Senior Registrar" means the Senior Registrar of the Principal Probate Registry;

"A High Court District Registry" means a District Registry of the High Court to which this Order applies;

"A District Registrar" means a Registrar of any such High Court District Registry;

"A Poor Person" means a person who has been admitted to take, or defend, or be a party to any proceeding under the Matrimonial Causes Acts as a poor person under any Rules of the Supreme Court for the time being in force;

"The Matrimonial Causes Rules" mean the Matrimonial Causes Rules, 1924 (S.R. & O., 1924, No. 126), as amended by any subsequent Rules whether made before, or after, the making of this Order.

(2) The District Registries to which this Order applies are the District Registries of—

Birkenhead	Leicester
Birmingham	Liverpool
Blackburn	Manchester
Brighton	Newcastle
Bristol	Norwich
Cardiff	Nottingham
Carlisle	Portsmouth
Derby	Sheffield
Durham	Southampton
Exeter	Swansea
Ipswich	York
Leeds	

and such other District Registries as may be named in any order made from time to time by the Lord Chancellor, with the concurrence of the President.

2. *Interlocutory proceedings in certain High Court District Registries.*—(1) A proceeding by a poor person under the Matrimonial Causes Acts may be commenced and prosecuted in a District Registry, and save as is in this Order otherwise provided, the Matrimonial Causes Rules shall apply to any proceeding by a poor person under those Acts which is sought to be commenced or is commenced in a District Registry, and shall as regards any such proceeding be construed as if that District Registry were substituted in those Rules for the Divorce Registry, and the duties and powers of the Registrars under those Rules shall, save as aforesaid, be exercised as regards any such proceeding by

the District Registrar who shall, for the purposes of this Order be deemed to act as a Registrar in the Divorce Registry, and save as is in these Rules otherwise provided have the powers and duties in respect of any such proceeding of a Registrar in the said Registry.

(2) All proceedings under this Order shall be deemed to be proceedings in the Probate, Divorce and Admiralty Division, and shall be entitled accordingly. The practice of the Divorce Registry in proceedings under the Matrimonial Causes Acts shall be observed in the District Registries, and directions in conformity with the Matrimonial Causes Rules may be issued by the President for the purpose of securing uniformity of practice between the Divorce Registry and the District Registries.

(3) A petition filed in a District Registry under this Order and every copy to be served shall be endorsed in conspicuous characters with a Notice to Appear in accordance with Form No. 1 in Appendix M, in lieu of the form in Appendix I to the Matrimonial Causes Rules.

3. *Entry of appearance and delivery of documents.*—(1) Any appearance to any proceedings commenced in a District Registry shall be entered in that District Registry, and shall be accompanied by an address for service which shall be either (a) a place within the district of that Registry, or (b) the place where the person appearing resides or carries on business, or, if the appearance is entered by a solicitor acting for the person appearing (c) the place where that solicitor carries on business.

(2) The appearance may be entered in the ordinary way through a solicitor or personally, or it may be entered through the post by sending to the District Registrar of that Registry by prepaid letter an entry of appearance and a duplicate thereof duly filled up, and (unless the person entering an appearance has been admitted to defend as a poor person) a postal order for the amount of the prescribed fee (2s. 6d.).

(3) The form of Entry of Appearance in a District Registry shall be in accordance with Form No. 2 in Appendix M, in lieu of the form in Appendix IV to the Matrimonial Causes Rules; and the duplicate thereof shall be in accordance with Form No. 3 in Appendix M.

(4) Where the appearance is entered by post, the District Registrar shall, on receipt of the documents required by paragraph (2) of this Rule, enter the appearance in the book provided for that purpose, send the duplicate entry of appearance by post to the petitioner's solicitor, and send a notice, in accordance with Form No. 4 in Appendix M, by post to the address furnished by the person entering the appearance.

(5) If any question arises as to an appearance in any proceedings which is alleged to have been entered by post, production by the person claiming to have so appeared of the notice sent to him by the District Registrar in accordance with the requirements of this Rule shall be *prima facie* proof of the right of such person to be heard in such proceedings.

(6) Orders, notices and copies of pleadings and other instruments which are required by the Matrimonial Causes Rules to be served or delivered, but of which personal service is not expressly required, may be served or delivered by leaving them at, or by sending them by post to, the respective addresses furnished by or on behalf of the parties.

(7) Where a husband is charged with adultery with a named person, the notice to be endorsed on the pleading containing the charge shall be in accordance with Form No. 5 in Appendix M.

4. *Power to remove from District Registry to Divorce Registry.*—Any party to, and any person who has duly intervened in a matrimonial cause pending in a District Registry, may apply to a Judge in Chambers, or to a Registrar, or to the District Registrar of the Registry in which the cause is pending for an order to remove the cause to the Divorce Registry, and the Judge, or Registrar, or District Registrar may make an order accordingly, if satisfied that there is sufficient reason for doing so, upon such terms, if any, as are just, and where any such order is made, the cause shall, as from the date of the order, proceed in the Divorce Registry.

5. *Matters excluded from jurisdiction of District Registry.*—(1) An application in a District Registry under the Matrimonial Causes Rules for any of the following purposes, namely:—

(a) For leave to dispense with the requirement that the alleged adulterers, if male, shall be made correspondents in the cause, and served with a sealed copy of the petition; or

(b) For leave to substitute for personal service some other mode of service; or

(To be continued.)

Societies.

To Secretaries—Reports of meetings, lectures, etc., to ensure insertion in the current number, should reach the office not later than 4 p.m. Wednesday.

Berks, Bucks and Oxfordshire Law Society.

The Annual General Meeting of the Berks, Bucks and Oxfordshire Incorporated Law Society was held at the Clarendon Hotel, Oxford, at 3 p.m. on Wednesday, the 23rd ult., the President, Mr. H. Torry Baines, in the chair. The other members present included Mr. W. J. Winter Taylor (Vice-President) and Messrs. Stephen H. Baines, P. B. Beecroft, H. R. Blaker, Thomas L. Budd, E. F. Churchill, A. J. Clarke, B. A. Collins, George H. Darby, Philip Darby, E. Cecil Durant, J. M. Eldridge, Horace J. Fisher, A. L. Fullalove, H. F. Goodford, Edwin T. Hatt, Arthur A. Johnson, H. Jordan, W. H. Lowndes, Frank M. Mallam, F. E. Marshall, E. L. Reynolds, J. Bruce Simmons, B. E. Tyrwhitt, Andrew L. Walsh, Stanley E. Wilkins and H. C. Dryland (Secretary).

The Minutes of the last Annual General Meeting having been approved and signed, the Treasurer's statement of the accounts of the Society, showing a balance in hand of £297 3s. 3d. cash and £303 17s. 1d. India 3 per cent. stock, was submitted and approved.

It was suggested that, having regard to the substantial balance in hand, the committee should reduce the price to the members of the General Conditions of Sale sold to members at 3d. per copy. But whilst the President agreed that the matter should receive consideration, it was pointed out that, in arriving at the sale price, allowance must be made for the expense of getting these conditions revised from time to time by counsel, and that as a revision appeared to be essential in the near future if publication was considered desirable it may not be found easy to effect the reduction at present.

The annual report was formally moved and adopted, and a donation of ten guineas was voted to the Solicitors' Benevolent Association out of the funds of the Society.

Mr. W. J. Winter Taylor (High Wycombe), Mr. Henry Jordan (Reading), and Mr. H. C. Dryland (Reading), were unanimously elected President, Vice-President, and Hon. Secretary and Treasurer respectively.

A vote of thanks was unanimously accorded to the Secretary (Mr. Durant) for his services.

The following members were appointed to the committee for the ensuing year:—Messrs. T. R. Hearne (Buckingham), Stanley E. Wilkins (Aylesbury), H. Torry Baines (Oxford), H. R. Blaker (Henley-on-Thames), W. Bliss (High Wycombe), E. Cecil Durant (Windsor), J. M. Eldridge (Oxford), F. J. Radcliffe (Reading), and B. E. Tyrwhitt (Oxford).

The next annual meeting of the Society was fixed to take place at High Wycombe on the first Wednesday in May, subject to a discretionary power being granted to the committee to fix a later date for such meeting.

Mr. A. J. Clarke (High Wycombe) was appointed a trustee of the Society funds, to fill the vacancy caused by the death of Mr. Joseph Bliss.

It was reported that a series of six lectures on the new Law of Property Acts would probably be delivered at the end of October or early in November, and the arrangements in connection therewith were left in the hands of the President and Secretary.

The report of the Poor Persons Rules Committee of The Law Society was considered and referred to a committee, with power to make any arrangements necessary for carrying out the recommendations contained therein.

The publication of this Society's General Conditions of Sale was deferred until those of The Law Society were available for consideration.

The Society having considered the Solicitors' Remuneration Act General Order, 1925, it was decided to recommend the members to charge the increased fees allowed by the Order in all cases, other than those which, for any special reason, appeared to be exceptional.

A vote of thanks to the retiring President, Mr. H. Torry Baines (to which he suitably responded), terminated the proceedings.

DEEDS OF ARRANGEMENT.

The *London Gazette* has published an Order by the Lord Chancellor by which the fee on filing with the Registrar of Deeds of Arrangement a statutory declaration or an affidavit (except under Rule 31 of the Rules) or a notice is fixed at 2s. 6d. This Order, which is in substitution of Item 3 in the schedule to the Deeds of Arrangement (Board of Trade) Fees Order, 1925 (c), and may be cited as the Deeds of Arrangement (Board of Trade) Fees Amendment Order, 1925, came into operation on the 1st inst.

Legal News.

EGYPTIAN TRIBUTE LOANS JUDGMENT.

GOVERNMENT TO APPEAL.

Messrs. N. M. Rothschild and Sons have received intimation from Cairo that the Egyptian Government has notified its appeal against the recent judgment in the case of the Ottoman Loans secured on the Egyptian Tribute.

It is understood that 22nd October next has been fixed for the appearance of the parties before the Mixed Court of Appeal at Alexandria, on which date it is expected that the court will fix the date for the hearing of the appeal.

"UNFAIR" TO THE POLICE.

CORONER AND SERIOUS ALLEGATION.

A warning that serious allegations against police officers should not be made except on the strongest evidence was given by Mr. Ingleby Oddie recently at the resumed inquest on Walter Sexton, aged seventy-four, a general dealer, of Larkhall-lane, Clapham, who died in Kennington-lane, S.E. At the first hearing Douglas Sexton, a son, stated that before he left home to purchase a chest of drawers his father had £5 in his pocket, including eight half-crowns. A police-constable, who took the dead man to the mortuary, declared that when he searched the body he was alone, and he found only 4s. 2½d. in cash in the pockets.

Mr. Oddie said that an allegation having been made that somebody had stolen the money, he had had complete inquiries made, and he was now satisfied that there was no real ground for the suggestion. It was a very serious thing to make this charge—very easy to say money had been stolen from a deceased person, but such an allegation should not be made without the fullest ground and strongest evidence. It was very unfair for a police-officer to have such a charge made against him. In this case he was alone, the mortuary-keeper not being present to help him, but he discharged his duty in a most satisfactory way, and the coroner was satisfied that the police-constable had not stolen the money, and was in no way to blame.

The coroner recorded a verdict of death from natural causes.

INDUSTRIAL COURT.

ARBITRATION AWARDS.

Two Industrial Court awards, one affecting Army audit staff writers and the other referring to male Meteorological Office clerks, Air Ministry, were issued on Tuesday.

In the case of the Army audit staff writers, the claim related to sixteen chief writers, thirty-five senior writers, and forty-nine hired writers on the Army audit staff, who have now been assimilated into the clerical class. The terms of reference were that they should be placed at that point on the clerical class scale which they would have attained had they, on 1st April, 1921, been granted an assimilation increase of £40, subject to no officer being given a higher salary than he would have attained if he had entered the clerical class under the normal conditions and attained a basic salary of £80 a year at the age of eighteen. The decision of the court, subject to certain conditions, was that as from 1st September, 1925, the chief writers and senior writers concerned should respectively receive an advance of £40 per annum on basic salaries, and writers an advance of £30 per annum on basic salaries.

In the case of Meteorological Office clerks, the terms of reference were that Civil Service male Meteorological Office clerks (category "A") who have been assimilated to the Meteorological Office Departmental Clerical Class (Grade III) should be placed in receipt of the salaries which they would have attained had they been given an assimilation increase of £30, subject always to the proviso that "weight for age on the new scale should not be exceeded." The number of officers concerned in the claim was twenty-three, and the court decided that, subject to certain conditions and from 1st September last, the officers concerned should receive an advance of £10 per annum on basic salary. Increments of less than £10 granted to certain officers, on or in connection with assimilation, will merge in the increase now granted, and officers who, on or in connection with assimilation, received increments of £10 or over, will not participate in the increase now awarded.

The West Ham Stipendiary on Tuesday last, convicted Patrick Mohan, an unemployed leader, of causing an obstruction by holding a meeting outside the West Ham relief station, Barnby-street, on 22nd September, and bound him over for twelve months in £5 not to cause an obstruction.

NEW ROADS ACT.

ADDITIONAL POWERS FOR HIGHWAY AUTHORITIES.

The Minister of Transport has addressed to all highway authorities in Great Britain a communication drawing attention to the additional powers conferred on them under the Roads Improvement Act, 1925.

The communication states:—

(1) By virtue of s. 1 of the Act it becomes permissible for all highway authorities to plant and maintain roadside trees, shrubs, and grass margins.

(2) Section 3 enables a highway authority to apply to the Development Commissioners for an order for the acquisition of land required to be given in exchange for any portion of a common or open space taken for the construction or widening of a road. This is intended to meet difficulties arising from the fact that while s. 19 of the Development and Road Improvement Funds Act, 1909, required that in certain circumstances a suitable piece of land should be given in exchange for any portion of a common or open space taken for the construction or widening of a road, that Act did not provide any means for the compulsory acquisition of such land in cases where it could not be obtained by agreement.

(3) Valuable powers are conferred upon highway authorities under s. 4 to control the height and character of walls, fences, hedges, etc., and to restrict the erection of new buildings, at corners or bends on highways where it is necessary for the safety of road users that an adequate sight-line should be secured. It now becomes possible for a notice to be served on the owner and occupier of a corner site, requiring alterations to be made in the character of the existing enclosures, or imposing restrictions as to any buildings to be erected on the site in future, subject to provisions for the payment of suitable compensation.

If proper advantage is taken of these powers, the safety of the highway will be greatly increased, and a check imposed upon the thoughtless misuse of corner plots. Further, the timely adoption of preventive measures should conduce in an important degree to ultimate economy, by relieving local authorities from the necessity in the end of acquiring and demolishing costly permanent buildings placed in unsuitable positions.

(4) Another direction in which substantial ultimate economies can now be achieved is indicated by s. 5, which gives much-needed powers to highway authorities for the prescription of building lines along roads. By this means there should be little difficulty henceforth, for example, in preventing the construction of buildings in such close proximity to a narrow road as to render its future widening or re-alignment prohibitively expensive. Not only has this practice been a source of great expense in the past and a grave inconvenience to road engineers and to road users, but the occupants of the buildings have also had reason to complain of the noise and vibration caused by traffic passing within too short a distance of their windows.

In connexion with these new general powers for the prescription of building lines, attention may be drawn to the independent power to prescribe "improvement" lines conferred upon county councils and other local authorities in England and Wales under ss. 33 and 34 of the Public Health Act, 1925, which passed into law at the same time as the Roads Improvement Act.

(5) So far as the administration of the Road Fund is concerned, the Roads Improvement Act specifies various additional heads under which advances may in future be made. These include the purposes mentioned above, viz., tree planting, sight lines at corners, building lines, as well as the freeing of roads from tolls, the erection of notices, direction posts, &c., and expenditure incurred by the Minister in conducting experiments.

(6) It is Colonel Ashley's hope that this brief summary of the powers made available by the new Act may lead highway authorities to study carefully its various provisions, and to consider how far local circumstances may call for the application of these new powers, in the interests of safety, local amenities, and the ultimate economy which can only be achieved by the exercise of enlightened foresight.

THE "CAT" FOR ROBBERY.

Sentence of fifteen months' imprisonment with hard labour and twenty strokes with the "Cat" was passed by the Common Serjeant at the Central Criminal Court last week on Thomas Wright, twenty-two, cabinet maker, who pleaded "Guilty" to a charge of robbery with violence on a ship's fireman and stealing from him £5. Albert Edward Gee, twenty-three, newsagent, on bail, a man of excellent character, who was stated to have taken part in the attack on the fireman, was bound over and discharged.

NEW MARRIAGE REGULATIONS.

Considerable changes in the regulations governing consents to the marriage of minors are made by the new Guardianship of Infants Act, which came into force on the 1st inst. The chief clerk of the London Diocesan Registry Office (Mr. A. E. Cave) stated that until the Chancellor of the London diocese had fully considered the new Act, no authoritative guidance could be given to country surrogates regarding the issue of licences in the cases of minors. It is probable that the Chancellors of all the dioceses will shortly be called together to consider what alterations of existing rules will be necessary, and that, as a result of this meeting, uniform rules will be adopted.

DIVISION OF PROPERTY.

A NOVEL INTERPRETATION.

A remarkable case was heard recently in the Supreme Court at San Francisco, when the judge decided in favour of a man who had been sued by his divorced wife for cutting up his household goods. The defendant, Otto Shaler, when his wife divorced him earlier in the week, was ordered by the court to divide his property equally with her. Thereupon it appears he got a saw and cut up all the furniture, including the piano, into halves, doing the same with the pictures, carpets and house draperies. He then sent half of the dissected property to his wife's new home. The judge told the wife that her husband had complied with the order of the court, and there was the end of it.

ISLAND'S POPULATION TRANSFERRED.

The story of the transfer of an entire community, small in number, comes from the Outer Hebrides of Scotland, where the island of Boreray has been left derelict. The circumstances are in a sense typical of how the crofter and the fishing population of those islands find economic conditions almost unendurable.

Boreray, which is about a mile and a-half long, north and south, and a mile broad, has an area of about 600 acres, and has supported a population from time immemorial, but the numbers have been dwindling for many years. The people earn a bare livelihood by a little crofting, a little fishing, the making of kelp, etc., but gradually the young and able-bodied left the island, a good many of them for Canada and America, until there were only left four able-bodied men, the rest of the population being very old or very young. When the Board of Agriculture for Scotland acquired Newton Estate in North Uist, the four younger men applied for holdings, and the old people were left with the alarming prospect of having no one strong enough to handle the boats. The inhabitants petitioned the Board to transfer them to North Uist, and this the Board undertook to do.

The transference has now been successfully completed. The population, consisting of nineteen families, in all about fifty individuals, is now settled in suitable holdings on the Newton Estate.

POOR LAW RELIEF.

The quarterly statement of the Ministry of Health on Poor Law relief has been issued, and states that when compared with June last year, the total number of persons (men, women and children) in receipt of poor law relief in England and Wales on 24th June this year, was smaller by 33,500. The total this year was 1,106,000, equivalent to 285 per 10,000 of the estimated population, while at the end of June, 1924, the figures were 1,139,500. At the end of March last, the number was 1,105,100, and at the end of June, 1914, 618,300.

During the quarter there was a net increase of 10,200, or 1.2 per cent., in the number of persons in receipt of domiciliary relief. In the first week the number decreased by 9,300, and then rose for three weeks from 875,100 to 899,100, an increase of 24,000. During the next three weeks there was a decrease of 23,000 to 876,100, followed by an increase in four weeks of 25,300 to 901,400, the highest figure recorded during the quarter. The remaining two weeks of the quarter showed a decrease.

Every week in the quarter showed a decrease in the number of persons in receipt of institutional poor-law relief. The total number of those persons at the end of June, 1925, was 211,300. The corresponding number at the end of March, 1925, was 220,600, and at the end of June, 1914, 246,200.

THE MIDDLESEX HOSPITAL.

WHEN CALLED UPON TO ADVISE AS TO LEGACIES, PLEASE DO NOT FORGET THE CLAIMS OF THE MIDDLESEX HOSPITAL, WHICH IS URGENTLY IN NEED OF FUNDS FOR ITS HUMANE WORK.

SERVICE AT WESTMINSTER ABBEY,

MONDAY, 12TH OCTOBER, 1925.

On the occasion of the re-opening of the Law Courts, a special service will be held at Westminster Abbey at 11.45 a.m., which the Lord Chancellor and His Majesty's Judges will attend.

In order to ascertain what space will be required, members of the Junior Bar wishing to be present are requested to send their names to the Secretary of the General Council of the Bar, 5, Stone-buildings, Lincoln's Inn, W.C., before 4 p.m. on Friday, the 9th inst.

Barristers attending the service must wear robes. All should be at the Jerusalem Chamber, Westminster Abbey (Deans-yard entrance), where robing accommodation will be provided, not later than 11.30 a.m.

A limited number of seats in the south transept will be reserved for friends of members of the Bar, to whom two tickets of admission will be issued on application to the Secretary of the General Council of the Bar.

No tickets are required for admission to the north transept, which is open to the public.

DOUGLAS MCGAREL HOGG,
Attorney-General.

REGISTRATION OF DEEDS OF ARRANGEMENT.

The Board of Trade announce that, as provided in s. 22 of the Administration of Justice Act, 1925, the office for the registration of Deeds of Arrangement under the Deeds of Arrangement Act, 1914, is being transferred from the Bills of Sale Department of the Central Office of the Supreme Court of Judicature to the Department of the Inspector-General in Bankruptcy, Board of Trade, Great George Street, Westminster, S.W.1 (Room 49, Ground Floor: Telephone, Victoria 3840, Extension 364) on and from Thursday, 1st October, 1925.

The office will be open for registration, inspection, examination and extraction purposes daily (excluding Sundays) from 10 a.m. to 4 p.m., except on Saturdays, when the hours of business will be 10 a.m. to 12 noon.

Registration procedure, as now amended, including provision for the supply to the Registrar in certain cases of additional copies of Deeds of Arrangement submitted for registration, is set out in the Deeds of Arrangement Rules, 1925 (Statutory Rules and Orders (1925 No. 795)), copies of which may be obtained from His Majesty's Stationery Office direct or through any bookseller (price 6d. net).

Mr. H. F. Carill, Inspector-General in Bankruptcy, has in addition been appointed by the Board to be Registrar of Deeds of Arrangement as from the date of the transfer.

AMMANFORD RIOT CHARGES.

At the Llandilo Police Court on Tuesday, the magisterial hearing was concluded of a charge of riotous assembly brought against twenty-seven colliers at Emlyn Colliery, near Ammanford, on 29th July, on the occasion of a strike. Mr. Hunter, barrister, submitted on behalf of the defendants that there was no *prima facie* case. The Bench, however, committed the defendants to take their trial at the next Assizes. There have now been fifty-eight men committed for trial on charges arising out of the same event, but several large batches of miners still remain to be dealt with, and six further sittings of the court have been fixed.

BETTING AMONG PAUPERS.

Thomas Millward, seventy-three, an inmate of Withington Poor Law Institute, was fined 40s., with the alternative of twenty-one days' imprisonment, by the Manchester City magistrates for street betting in the neighbourhood of the institution. Police officers saw the prisoner receiving a number of betting slips and took him into custody. Millward told the police the bulk of his patrons were fellow inmates of the institution, and that their stakes ranged from 1d. to 6d. He denied taking bets from officials of the institution.

COAL COMMISSION.

The members of the Coal Commission met privately at the Commission's office in Queen Anne's-gate-building on Tuesday last. The meeting is understood to have been for the purpose of reaching a decision on procedure and the agenda. The Commission met in private every day this week, for continuing the collation of information, but we understand no definite decision has yet been reached as to the holding of a public session.

COURT BONDS.

The Bonds of the

LONDON ASSURANCE CORPORATION

are accepted by the High Courts of Justice, Board of Trade, and all Government Departments.

Fidelity Bonds of all descriptions are issued by

THE LONDON ASSURANCE

(INCORPORATED A.D. 1720).

ASSETS EXCEED £10,000,000.

FIRE, MARINE, LIFE, ACCIDENT.

ALL OTHER KINDS OF INSURANCE BUSINESS TRANSACTED. Write for Prospectus.

LIFE BONUS YEAR 1925.

1, KING WILLIAM STREET, LONDON, E.C.4.

MARINE DEPARTMENT: 7, ROYAL EXCHANGE, E.C.3.

Information Required.

DUCHESS OF ROXBURGHE DECEASED.—Will any person knowing the whereabouts of the Settlement dated 10th June, 1874, made on the marriage of the late Duke and Duchess of Roxburghe, then respectively The Right Hon. James Henry Robert, Marquis of Bowmont and Cessford and Lady Anne Emily Spencer Churchill, kindly communicate with Messrs. Withers & Co., 4, Arundel Street, Strand, W.C.2.

GERALD C. REANEY.—Information is desired as to whether the above-named (formerly of Lloyd's) is living, and, if not, when and where he died.—Kindly communicate with Kearsley, Hawes & Wilkinson, 108A, Cannon Street, London, E.C.4.

Will AMBROSE ADAMS, formerly owner of Royal Hotel, Madeira, kindly communicate with Hyam Joseph, Solicitor, 125, High Holborn, London, W.C.1?

Will Mr. JOHN MILO CRIPPS, formerly of 12, Queensberry-place, S. Kensington, or anyone who knows his present address, kindly communicate with Messrs. Tyrer, Kenion, Tyrer and Simpson, Solicitors, Liverpool?

Will Solicitors advertising BATTER, Royal Navy, apply 46, Amity Road, West Ham, E.15?

Deaths.

[Notices intended for insertion in the current issue should reach us on Thursday morning.]

IZARD.—On the 18th September, Charles Hayward Izard, barrister-at-law and legislative councillor of Wellington, New Zealand.

WHITE.—On the 23rd September, at his residence North Lodge, Guildford, Gilbert Henry White, solicitor (the beloved husband of May Emily White), coroner for West Surrey, aged sixty-four.

STEVENS.—On Wednesday 19th September, at Lansdowne Place West, Bath, Sir John Foster Stevens, Kt., I.C.S., (retired), formerly a Puisne Judge of the Calcutta High Court, aged eighty.

LEEDS-SMITH.—On the 18th September, at Sandy, Edward Thurlow Leeds-Smith, solicitor, Justice of the Peace, aged eighty-eight.

Wills and Bequests.

Mr. Edward William Worlledge, M.A., O.B.E., J.P. (75), of Albert-square, Great Yarmouth, solicitor, on four occasions Mayor of the town, left estate of the gross value of £10,882.

Mr. Francis Hughes, of Veronica-road, Balham, S.W., and of Hughes, Lightbody & Kinton, solicitors, Bedford-street, Strand, W.C., left estate of the gross value of £4,559.

Mr. Alfred Charles Tufton, J.P. (73), of New Church-road, Hove, barrister-at-law, left estate of the gross value of £66,876.

Mr. Thomas Jarron Gordon (87), of Melville-street, Edinburgh, Writer to the Signet, left estate of the gross value of £29,251.

Mr. Thomas Henry Elliott (71), of Evering-road, Upper Clapton, N., solicitor's managing clerk, left estate of the gross value of £15,599.

Mr. William Dugdale Harland, of Withington, Manchester, barrister-at-law, left estate of the gross value of £12,770.

Sir John O'Connell, a well-known Irish solicitor, a director of the National Bank, and a member of the Senate of the University of Dublin, has taken the Benedictine habit at Downside Abbey, near Bath, and become a novice.

THE 1925 PENSIONS ACT.

The provisional regulations, dated 25th August, made by the National Health Insurance Joint Committee, under s. 32 of the Widows', Orphans', and Old Age Contributory Pensions Act, 1925 (which deals with the co-ordinating power of the Joint Committee), have been issued, price 2d. The first schedule gives the powers to be exercised by the Joint Committee alone, and the second schedule the powers to be exercised by the Committee jointly with the Minister.

Obituary.

[Information intended for insertion in the current issue should reach us not later than Thursday morning.]

Mr. W. G. STEVENS.

Mr. Walter George Stevens, solicitor, senior partner in the well-known Norwich firm of Stevens, Miller & Jones, died there recently at the age of sixty-six years. For thirty-five years he was a member of the Norwich City Council of which he became an Alderman in 1909, and in 1914 he was made a Justice of the Peace. He was admitted in 1881, and was a member of The Law Society. In his native city he was popularly known as "The Poor Man's Lawyer."

Mr. FRANCIS HOUSE.

The death is announced after a protracted illness of Mr. Francis House, solicitor, well-known in the City of London, and member of the firm of Francis House & Eve, of 3, Salter's Hall-court. In 1905-6 he was Mayor of Hackney, and for three years Alderman of Walbrook Ward. Formerly a member of the old London School Board, he was a Justice of the Peace, a member of The Law Society and was admitted in 1878.

Mr. G. H. WHITE.

Mr. Gilbert H. White, the West Surrey coroner, who had been lying unconscious suffering from sleepy sickness, died recently, at Guildford. A few days previously he appeared to be in his usual health and conducted an inquest at Great Bookham, but the next morning, while putting on his boots after breakfast, he was taken suddenly ill, and had to be assisted to his room. Mr. White, who was sixty-four years of age, was the son of Mr. George White, a well-known Surrey family solicitor, whom, after admission as a solicitor in 1885, he joined in practice. He had been Clerk of the Peace for Guildford for over twenty years, and was a member of the borough Education Committee. In 1913 he was appointed coroner for West Surrey, and among the most notable inquiries he held was that into the poisoning of the landlord of the Blue Anchor Inn at Byfleet, for which Jean Pierre Vanquier, a Frenchman, afterwards hanged. Mr. White was keenly interested in archaeology, and was a member of the Surrey Archaeological Society and the Surrey Record Society. He was admitted in 1885, was a member of The Law Society, and also held the appointments of Clerk of the Peace and Deputy Coroner for the Borough of Guildford. He leaves a widow, a son, and a daughter.

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **BEENHAM STONE & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well known chattel valuers and auctioneers (established over 100 years), have a staff of expert Valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-à-brac a speciality. [ADVT.]

Stock Exchange Prices of certain Trustee Securities.

Bank Rate 4%. Next London Stock Exchange Settlement. Thursday, 8th October, 1925.

	MIDDLE PRICE. 30th Sept.	INTEREST YIELD.	YIELD WITH REDEMPTION.
English Government Securities.			
Consols 2½%	55½	4 10 6	—
War Loan 5% 1929-47	102½	4 18 0	4 17 0
War Loan 4½% 1925-45	96½	4 13 0	4 18 0
War Loan 4% (Tax free) 1929-42	99½	4 0 0	4 0 0
War Loan 3½% 1st March 1928	97½	3 12 0	4 18 0
Funding 4% Loan 1960-90	87½xd	4 11 6	4 12 6
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years ..	92½	4 6 0	4 8 6
Conversion 4½% Loan 1940-44	96½	4 13 0	4 16 6
Conversion 3½% Loan 1961	76½	4 12 0	—
Local Loan 3% Stock 1921 or after	64½	4 12 6	—
Bank Stock	251½xd	4 15 6	—
Colonial Securities.			
Canada 3% 1938	83	3 13 0	4 16 0
Cape of Good Hope 4% 1916-36	91xd	4 8 0	5 0 6
Cape of Good Hope 3½% 1929-49	80½	4 7 0	4 19 6
Commonwealth of Australia 4½% 1940-60 ..	98½	4 16 6	4 18 0
Jamaica 4½% 1941-71	92½xd	4 17 0	4 17 0
Natal 4% 1937	91	4 8 0	5 0 0
New South Wales 4½% 1935-45	93½	4 16 6	5 1 6
New South Wales 4% 1942-62	83½	4 15 6	5 0 0
New Zealand 4½% 1944	95½	4 14 6	4 19 0
New Zealand 4% 1929	97½	4 2 0	5 1 0
Queensland 3½% 1945	78	4 10 0	5 7 0
South Africa 4% 1943-63	87½	4 12 0	4 16 0
S. Australia 3½% 1926-36	86	4 1 6	5 6 0
Tasmania 3½% 1920-40	83½	4 3 6	5 1 6
Victoria 4% 1940-60	83½	4 15 6	4 19 0
W. Australia 4½% 1935-65	93½	4 16 6	4 18 6
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corpn.	64½	4 13 6	—
Bristol 3½% 1925-65	75½	4 13 0	5 0 0
Cardiff 3½% 1935	88	3 19 6	5 0 0
Croydon 3% 1940-60	67½	4 9 0	5 1 0
Glasgow 2½% 1925-40	77	3 5 0	4 11 6
Hull 3½% 1925-55	77	4 11 0	4 19 0
Liverpool 3½% on or after 1942 at option of Corpn.	75	4 13 0	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	53½	4 13 6	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	63½	4 14 6	—
Manchester 3% on or after 1941	64½	4 13 6	—
Metropolitan Water Board 3% 'A' 1963-2003	62½	4 15 6	4 16 0
Metropolitan Water Board 3% 'B' 1934-2003	64½	4 13 0	4 13 6
Middlesex C.C. 3½% 1927-47	81	4 6 6	4 19 6
Newcastle 3½% irredeemable	74½	4 14 0	—
Nottingham 3% irredeemable	83½	4 14 6	—
Plymouth 3% 1920-60	68½xd	4 8 0	4 19 0
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	80½	4 19 6	—
Gt. Western Rly. 5% Rent Charge	98½	5 2 0	—
Gt. Western Rly. 5% Preference	92	5 8 6	—
L. North Eastern Rly. 4% Debenture	78	5 2 6	—
L. North Eastern Rly. 4% Guaranteed	74½	5 7 0	—
L. North Eastern Rly. 4% 1st Preference	68½	5 17 0	—
L. Mid. & Scot. Rly. 4% Debenture	80	5 0 0	—
L. Mid. & Scot. Rly. 4% Guaranteed	77½	5 3 6	—
L. Mid. & Scot. Rly. 4% Preference	70	5 14 0	—
Southern Railway 4% Debenture	79½	5 0 6	—
Southern Railway 5% Guaranteed	98	5 2 0	—
Southern Railway 5% Preference	89½	5 11 6	—

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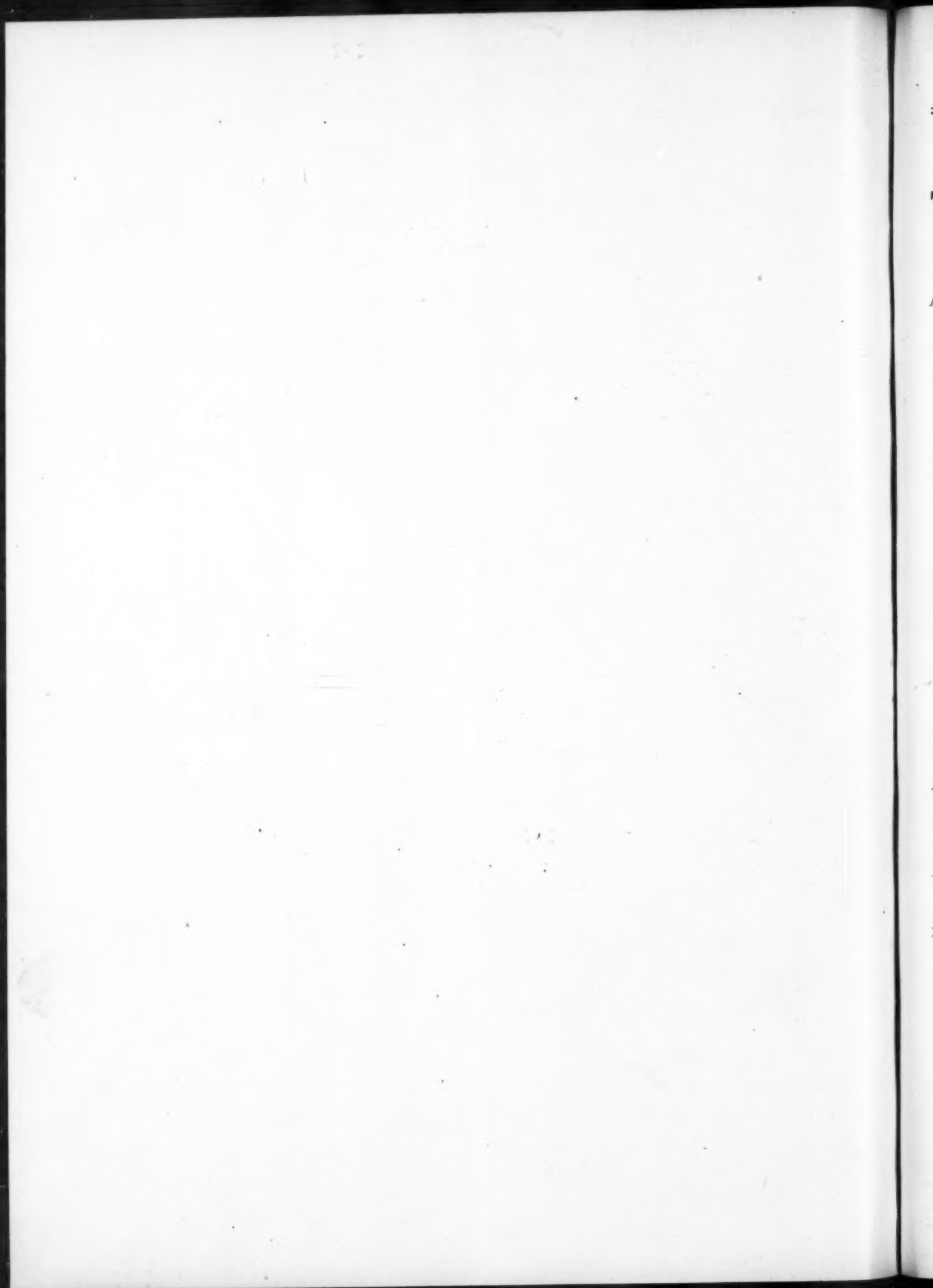
THE SOLICITORS' JOURNAL
AND WEEKLY REPORTER.

VOLUME 69.

DIGEST OF CASES
REPORTED.

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DIGEST OF CASES REPORTED IN

THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

VOLUME LXIX.

ADULTERATION:—

1. *Notice—Insufficiency—Sale of Food and Drugs Act, 1875, 38 & 39 Vict., c. 63, s. 6—Licensing Act, 1921, 11 & 12 Geo. 5, c. 42, s. 10.*—The licensee of a public-house exhibited a notice as follows: "All spirits sold at this establishment are of the same quality as heretofore, but to meet the requirements of the Sale of Food and Drugs Acts they are now sold as diluted spirits. No alcoholic strength guaranteed." On 16th January, 1924, a sample of rum was purchased for the purpose of analysis, and found to be 41½ degrees below proof. The licensee was summoned for selling to the prejudice of the purchaser rum which was not of the nature, substance and quality demanded. He was convicted and fined. The justices, however, stated this case.

Held, that the actual sufficiency of the notice was a question for the justices, and that, there being evidence to justify their finding that the sale was to the prejudice of the purchaser, the appeal of the licensee must be dismissed.—*RODBOURNE v. HUDSON, K.B.D., 275; 1925, 1 K.B. 205.*

2. *Notice—Purchaser Prejudiced by Sale—Attention not Drawn to Notice—Sale of Food and Drugs Act, 1875, 38 & 39 Vict., c. 63, s. 6—Licensing Act, 1921, 11 & 12 Geo. 5, c. 42, s. 10.*—A notice was exhibited in the bar of a public-house stating as follows: "All spirits sold in this establishment are diluted and no alcoholic strength is guaranteed." The purchaser of some whisky, which, on analysis, was found to be 42.26 degrees under proof, did not observe the notice, nor was his attention drawn to it. An information preferred against the publican for unlawfully selling to the purchaser whisky which was not of the nature, substance and quality demanded by the purchaser, was dismissed by the justices. The purchaser appealed.

Held, that the appeal must be allowed, inasmuch as the presumption that the purchaser had been prejudiced was not rebutted by the existence of a notice which he did not see, and to which his attention was not drawn.—*PRESTON v. GRANT, K.B.D., 276; 1925, 1 K.B. 177.*

ARBITRATION:—

Security for Costs—Application for Order that Arbitrators do state a Case—Applicant a Foreign Sovereign out of the Jurisdiction.—An application to have a case stated for the opinion of the court in arbitration proceedings is not merely an interlocutory proceeding in the arbitration, but an independent application. The principle of *Watteau v. Billam*, 1847, 3 De G. & Sm. 516, does not apply to arbitrations, but only to litigation in the courts.—*Re DUFF DEVELOPMENT CO. and GOVERNMENT OF KELANTAN, Tomlin, J., 491.*

BANKRUPTCY:—

1. *Fraudulent preference—Evidence—Affidavit filed by respondents but not used—Not available to applicants—Voluntary payment in cash to single creditor—Payment suspended by debtor on following day—Bankruptcy Act, 1914, 4 & 5 Geo. 5, c. 59, s. 44—Bankruptcy Rules, 1915, rr. 29, 33, 57.*—An affidavit filed and sworn by a party in the Bankruptcy Court is not before the court unless and until it is read and used by that party, and if it is not so used, the other parties may not use it or any portion of it as constituting any admission by the party filing it.—*Ex parte Child; In re Ottawa, 20 Ch. D. 126, applied.*—A debtor who had ordered and obtained goods on credit after getting a short extension of time for payment, gave a post-dated cheque for the amount, less discount. The day before the cheque fell due he paid the sellers the amount due in cash. The cheque, together with over 100 other cheques, which fell due the same day, was dishonoured, and the debtor suspended payment. There was no evidence of any reason for preferring the sellers to other creditors, or of any pressure by them.

Held (Pollock, M.R., dissenting), that the payment was a fraudulent preference within s. 44 of the Bankruptcy

Act, 1914, and void as against the trustee.—*Re COHEN, C.A., 35; 1924, 2 Ch. 515.*

2. *Trustee in Occupation of Premises of Bankrupt—Disclaimer—Rates—Liability of Trustee for—Liability in respect of Property disclaimed—Bankruptcy Act, 1914, 4 & 5 Geo. 5, c. 59, s. 54.*—A trustee in bankruptcy is, by virtue of s. 54 (2) of the Bankruptcy Act, 1914, under no obligation to pay rates in respect of the period of his occupation of a house which had been in the occupation of the debtor under a quarterly tenancy, and in respect of which the trustee entered into possession, and was entered on the rate book as the occupier, but subsequently by notice filed in the county court disclaimed the tenancy; the ground being that the liability was a "liability in respect of the property disclaimed" within the meaning of the sub-section.—*Re LISTER, Lawrence, J., 723, reversed 42 T.L.R. 143.*

See also *Company*.

BASTARDY:—

Affiliation Order—Failure to make Payment—Appearance before Justices under Warrant—Fresh Evidence as to Residence—Justices question Validity of Original Order and refuse to hear Complaint—Jurisdiction—Rule nisi—Bastardy Laws Amendment Act, 1872, 35 & 36 Vict., c. 65, s. 4.—A bastardy order was made by justices against a putative father. He appealed against the order, and his appeal was dismissed. He was subsequently brought up under the provisions of s. 4 of the Bastardy Laws Amendment Act, 1872, under a warrant for failure to make payments under the order. At the hearing some facts as to residence were elicited in the cross-examination of the mother, as a result of which it was contended on behalf of the putative father that the original order was made by the justices without jurisdiction. The justices consequently declined to enforce the order. On a rule nisi for the purpose of obtaining an order under s. 5 of the Justices' Protection Act, 1848, 11 & 12 Vict., c. 44, that the matter of the complaint should be heard and determined,

Held, that the justices had, upon the hearing of the complaint, no jurisdiction to consider the validity of the order in question, and that the rule must be made absolute.

Vevers v. Mains, 4 T.L.R. 724, and R. v. Swindon Justices, 42 J.P. 407, referred to.—R. v. LANCASHIRE JUSTICES, K.B.D., 194; 1925, 1 K.B. 200.

BILL OF EXCHANGE:—

Cheque—Forgery—Forged Indorsement—Fictitious Indorsement—Real Creditor's Name as Payee—Alteration of Payee's Initials after Signature—Fictitious Payee—Negotiation by Third Parties—Collection through Bankers—Bills of Exchange Act, 1882, 45 & 46 Vict., c. 61, s. 7.—The plaintiff was induced by his clerk (whose duty it was, *inter alia*, to make out cheques) to affix his signature to certain cheques made out in favour of an existing creditor and not a fictitious person. The plaintiff signed the cheques as drawn, and afterwards the clerk forged them by slightly altering the initials of the payee, and making them payable to a fictitious person, and then, having forged the indorsement, he took the cheques to the manager of the defendant's public-house, who gave the clerk cash for them. The defendant passed the cheques on to his bankers and collected the cash for them. The clerk was prosecuted and sentenced to imprisonment. The plaintiff claimed to recover the proceeds from the defendant.

Held, that as the cheques were, before signature, made out to a real creditor and not to a fictitious person, and notwithstanding that the defendant, by reason of the forged indorsements as well as the forgery on the body of the cheques, had no title to the cheques, yet, since he had passed them on to his bankers and collected the cash for them, the plaintiff was entitled to recover.

Vinden v. Hughes, 1905, 1 K.B. 795, applied; Cooks v. Masterman, 9 B. & C. 902, distinguished.—GOLDMAN v. COX, C.A., 10.

CANADA:—

Ontario—Powers of Dominion Parliament—Right to deal with Industrial Disputes—Industrial Disputes Investigation Act, 1907—British North America Act, 1867, ss. 91, 92.—In 1907 the Dominion Parliament of Canada passed an Act which set up boards of conciliation to deal with labour disputes throughout Canada and imposed penalties for strikes and lock-outs while inquiries before such boards were pending.

Held, that while such legislation might be passed by the Provincial Legislatures, it was not competent for the Dominion Parliament to pass such Acts for the whole of Canada merely by attaching penal clauses.—*TORONTO ELECTRIC COMMS. v. SNIDER, P.C.*, 325; 1925, A.C. 396.

CARRIER:—

Ship—Contract—Negligence—Accident to Passenger—Failure to give Due Notice—Liability.—A passenger who was travelling from New York to Southampton in a steamship belonging to a British company suffered an injury owing to the negligence of one of the servants of the company. Among the conditions of his contract with the company, which was entered into in the United States of America, it was provided (3) that the company should not be liable for loss, damage or delay through causes as therein stated or "from causes of any kind beyond the carrier's control," and that all questions arising under that paragraph should be decided according to English law; (9) that notice of any accident should be given by the passenger in writing with full particulars within three days after he should have landed at the termination of the voyage. In an action for damages commenced by him against the company,

Held, that the whole contract was governed by English law, and that, as the passenger had not given notice of the accident in compliance with condition 9, the action failed.—*JONES v. OCEANIC STEAM NAVIGATION CO., K.B.D.*, 106; 1924, 2 K.B. 730.

CINEMATOGRAPH.—See Local Government.

CLUB:—

Entertainments—Right of Members to attend Entertainments without Charge—Entertainments Duty on Proportion of Subscriptions representing that Right—Finance (New Duties) Act, 1916, 6 Geo. 5, c. 11, s. 1.—Where the members of a sporting club are entitled by the payment of their subscriptions, without further charge, to attend polo matches, etc., which by s. 1 (6) of the Finance (New Duties) Act, 1916, are defined as "entertainments," the club may be assessed to entertainments duty upon that portion of the subscriptions which may be held by the Commissioners of Customs and Excise, under the terms of s. 1 (4), to represent that right of admission. The fact that the main purpose of the club is for providing social amenities for its members, and that the holding of these matches is a comparatively minor part of its activities, makes no difference to this liability.—*Attorney-General v. Swan*, 66 SOL. J. 317; 1922, 1 K.B. 682, approved. Decision of Rowlatt, J., affirmed. *ATT.-GEN. v. VALENTIA, C.A.*, 140.

COMPANY:—

1. *Debenture—Income Stock Certificates—Certificate of Indebtedness—Sum Certain Payable out of Three-fourths of the Net Profits—Register of Debentures—Inspection—Companies (Consolidation) Act, 1908, 8 Educ. 7, c. 69, s. 102.*—A certificate of indebtedness in a sum certain, payable out of a definite portion of the profits of a company, signed by the secretary of the company by order of the board of directors, being one of a series, is a debenture within the meaning of s. 102 of the Companies (Consolidation) Act, 1908, and entitles the registered holder thereof to inspect the register.—*LEMON v. AUSTIN FRIARS INVESTMENT CO., LAURENCE, J.*, 759.

2. *Guarantee—Shares as Security for Loan to Company—Agreement to Re-purchase—Ultra Vires—Sureties Guarantee Performance by Company of Contract—Unenforceability—Liability of Sureties.*—The guarantors of the debts of a company are liable on their guarantees, even though the company has exceeded its borrowing powers.—*Yorkshire Railway Company v. MacLure*, 1881, 19 Ch. D. 478, applied; *Swan v. The Bank of Scotland*, 1835, 10 Bligh N.S. 627, and *Macgregor v. The Dover and Deal Railway Company*, 1852, 18 Q.B. 618, distinguished. *GARRARD v. JAMES, LAURENCE, J.*, 622, 1925, 1 Ch. 617.

3. *Scheme of Arrangement—Petition for Sanction of Court—Appointment of Trustees for Debenture-holders—Duties of the Trustees—Receiver.*—Trustees for debenture-holders cannot so long as the mortgagor company is a going concern

be properly regarded as free from the salutary checks attaching to purchases by trustees from their *cestui que trust*.—*Re MAGADI SODA CO., EVE, J.*, 365.

4. *Winding up—Debt due to Member—Assignment—Joint Debt by that Member and another to Company—Claim by Liquidator to set off.*—The principle established by the ruling in *Cherry v. Boulbee*, 4 My. & Cr., 442, that a person is not entitled to claim against a fund without being liable to bring into account his obligations towards that fund does not apply to a case where it is sought to set off a partnership debt due from two or more partners jointly against a claim by the assignee of one of those partners in respect of a sum due to the assignor in his personal and individual capacity.—*Re PENNINGTON & OWEN, C.A.*, 759.

5. *Winding-up—Fraudulent Preference—Payment to Creditor to Protect Surety—Bankruptcy Act, 1914, 4 & 5 Geo. 5, c. 59, s. 44 (1)—Companies (Consolidation) Act, 1908, 8 Educ. 7, c. 69, s. 210.*—A payment by an insolvent company of a debt secured by guarantee on which the creditor is primarily liable with a view to relieve the guarantor for the debt from liability is a fraudulent preference within the meaning of s. 44 (1) of the Bankruptcy Act, 1914.—*Re STANLEY & CO., EVE, J.*, 36; 1925, 1 Ch. 148.

CONTRACT:—

Donation to Charitable Institution—Consideration—Knighthood for Donee—Illegality—Public Policy—Fraudulent Representations by Secretary of Institution—Whether Money Recoverable.—A entered into a contract under which, in consideration of a contribution of £3,000 by A to a charitable society, the secretary of the society undertook to arrange for A to receive the honour of knighthood. A paid the £3,000 to the society, but did not receive the knighthood. A, therefore, commenced proceedings against the society and its secretary to recover the £3,000.

Held, that the contract was void, as being against public policy, and that A was not entitled to recover the £3,000 from the society; and that, having regard to the fact that the contract was one which A ought not to have made, he was not entitled to recover the money from the secretary, notwithstanding the fact that the secretary had defrauded him into entering into the contract.—*PARKINSON v. COLLEGE OF AMBULANCE, K.B.D.*, 107.

COPYRIGHT:—

Infringement—Royalties—Reproductions—Two Works in one Volume—"Work"—Copyright Act, 1911, 1 & 2 Geo. 5, c. 46, s. 3—Interpretations Act, 1889, 52 & 53 Vict. c. 63, s. 1.—Section 3 of the Copyright Act, 1911, and Regulation 2 of the rules and orders made under that Act, do not, by implication, prevent the publication of two or more copyright works in one volume.—*OSBOURNE v. DENT & SONS, ROMER, J.*, 590; 1925, 1 Ch. 369.

CORPORATION:—

Statutory Powers—Power to Charge for Electricity—Charges limited not to exceed Charges by another Corporation—Ultra vires.—An agreement by a corporation having statutory powers to supply electricity that their charges to the public shall not exceed those of another statutory body is not such a limiting of, or fetter upon, their statutory powers as to make the agreement to that effect *ultra vires* and void.

York Corporation v. Leatham and Sons, 68 SOL. J. 459; 1924, 1 Ch. 557, and *Ayr Harbour Trustees v. Oswald*, 1883, 8 A.C. 623, considered and distinguished.

Decision of Asbury J., 69 SOL. J., 176; 1925, 1 Ch. 63, reversed.—*SOUTHPORT CORPORATION v. BIRKDALE DISTRICT ELECTRIC SUPPLY CO., C.A.*, 523; 1925, 1 Ch. 63.

COSTS:—

1. *Taxation—Disbursements—Counsel's Fees—Moderation of Bills—Application to Vary—Solicitors Act, 1813, s. 37—R.S.C., Ord. 65, r. 27, reg. 29A.*—Moderation of a bill of costs is not the same as taxation and reg. 29A of Ord. 65, r. 27, does not apply to the moderation of a bill.—*GOODCHILD v. ROBERTS, EVE, J.*, 621.

2. *Unsuccessful Plaintiff entitled to Sum in Court—Payment out Set Off against Defendant's Costs of the Action—Charging Order obtained by Plaintiff's Solicitor against Balance—Subsequent Unsuccessful Appeal by Plaintiff—Defendant's Costs of the Appeal—Priority of Charging Order—Solicitors Act, 1800, s. 28—Rules of the Supreme Court, Ord. 22 (6) (c).*—Where a fund in court due to an unsuccessful plaintiff was liable for set-off of the costs of the successful defendant, a charging order against the balance obtained by the plaintiff's solicitor under s. 28 of the Solicitors Act, 1800, was held to be entitled to priority

in respect of that balance over the subsequently incurred costs of the defendant by reason of the plaintiff's unsuccessful appeal.—*KNIGHT v. KNIGHT, C.A.*, 459.

3. *Wife's Costs—Husband and Wife—Joint Plaintiffs—Retainer—Judgment for Wife with Costs—Judgment for Defendant against Husband with Costs—Taxation—Defendant's Costs against Husband—General Costs of Action—Wife's Liability to Solicitor—Orders 16, r. 1, and 115, r. 1.*—The plaintiffs, husband and wife, were in a motor-car owned by the husband and driven by his son, when the defendant's motor-car collided with them. Thereupon, husband and wife, acting by the same solicitor, brought an action against the defendant. The action was tried before a jury who found both drivers negligent. Judgment was entered for the wife against the defendant with costs, as she was not identified with the negligence of the driver, but for the defendant with costs against the husband, who was affected by the negligence of his son, his agent, the driver. On taxation, the taxing-master gave the wife the whole of the general costs of the action, while against the husband he gave the defendant only the extra costs occasioned by joining the husband as plaintiff. The taxing-master said that in the absence of a special order by the judge he was bound by *Gort v. Roseney*, 17 Q.B.D. 625, 1886, to give only the measure of costs which he had given to the defendant.

Held, that the wife's claim to costs depended on her liability, if any, to her solicitor, and that must depend on the nature of the retainer, and the case must be referred back to the taxing-master to report what retainer or retainers the plaintiffs' solicitor had, and in what capacity they were given.

Held, further, that the system of taxation adopted by the master here was wrong, in that it did not give the defendant any costs of defence against the unsuccessful plaintiffs' claim.—*TERRY v. GOULD, C.A.*, 212.

CRIMINAL LAW :—

1. *Conversion—Fraud—Money Entrusted to Employer—Security for Honesty of Employee—Whether a Loan—Question for the Jury—Larceny Act, 1916, § 6 & 7 Geo. 5, c. 50, s. 20, s. s. (1).*—Where an employer, who has received a sum of money from an employee as security for the latter's honesty, is charged with the fraudulent conversion of that sum of money, it is a question of fact for the jury to decide, whether the transaction is, in its nature, an entrusting of the money within the meaning of s. 20, s. s. (1) (iv) (a) of the Larceny Act, 1916, which makes the person to whom property is entrusted for safe custody, and who fraudulently converts it to his own use, guilty of a misdemeanour, or is a loan entitling the person to whom it is made to use it.—*REX v. SMITH, C.C.A.*, 37; 1925, 1 K.B. 603.

2. *Election Offences—Forgery of Nomination Paper—Rural District Council Election—Municipal Corporations Act, 1882, § 45 & 46 Vict., c. 50, s. 74—Local Government Act, 1894, § 56 & 57 Vict., c. 73, s. 48—Rural District Councils' Election Order, 1898—Forgery Act, 1913, § 3 & 4 Geo. 5, c. 27, s. 20, Sched.—Section 20 of the Forgery Act, 1913, and the schedule thereto, which repealed the words in s. 74 of the Municipal Corporations Act, 1882, which made it a criminal offence to deliver a forged nomination paper to a town clerk, also impliedly repealed the relevant provisions of the Local Government Act, 1894, which provided for the adaptation of s. 74 of the Municipal Corporations Act, 1882, to rural district council elections. Where, therefore, an appellant had been convicted on an indictment charging him under s. 74 of the Municipal Corporations Act, 1882, with delivering a forged nomination paper to the returning officer of a rural district council election, it was held that the indictment was bad.—*REX v. TAYLOR, C.C.A.*, 12.*

3. *Habitual Criminal—Conviction—Evidence—Sentence—Preventive Detention—Discretion of the Court—Duty of Court to Exercise an Independent Discretion—Prevention of Crime Act, 1908, § 8 Edw. VII, c. 59, s. 10.—By s. 10, s. s. (1), of the Prevention of Crime Act, 1908, "where a person is convicted on indictment of a crime . . . and subsequently the offender admits that he is or is found by the jury to be a habitual criminal, and the court passes a sentence of penal servitude, the court, if of opinion that by reason of his criminal habits and mode of life it is expedient for the protection of the public that the offender should be kept in detention for a lengthened period of years, may pass a further sentence ordering that on the determination of the sentence of penal servitude he be detained for such period not exceeding ten nor less than five years, as the court may determine, and such detention is hereinafter referred to as preventive detention . . ." The question whether or not a person found by the jury to be a habitual criminal*

is to be sentenced to a period of preventive detention, within the meaning of the above sub-section, is one for the discretion of the court, but the court must exercise an independent discretion in determining the question.—*REX v. PAUL, C.C.A.*, 293; 1925, 1 K.B. 77.

4. *Summary Jurisdiction Offence—Professing to tell Fortunes—Vagrancy Act, 1824, s. 4.*—It is not necessary to prove a deceitful purpose or fraudulent intent as a condition precedent to a conviction under s. 4 of the Vagrancy Act, 1824, of a person professing to tell fortunes.—*Stonehouse v. Masson*, 1921, 2 K.B. 818, approved.—*IRWIN v. BARKER, K.B.D.*, 589.

CROWN :—

1. *Contracts by, as to Works in Southern Ireland—Liability under, transferred to Irish Free State.*—The effect of the legislation establishing the Irish Free State is to transfer the liability of the Crown under contracts relating to works in Southern Ireland to the Irish Free State.—*ATTORNEY-GENERAL v. GREAT SOUTHERN AND WESTERN RAILWAY OF IRELAND, H.L.*, 675.

2. *Ministry of Shipping—Control of Sale of Vessels to Foreign Purchasers—Licence—Conditional on Payment of Percentage of Purchase Price—British Ships (Transfer Restriction) Act, 1915, § 5 Geo. 5, c. 21, s. 1—Indemnity Act, 1920, § 10 & 11 Geo. 5, c. 48, ss. 1 and 2.*—Section 1 of the British Ships (Transfer Restriction) Act, 1916, prohibited the transfer of a British ship during the war to a person not qualified to hold a British ship, unless the approval of the Board of Trade was first obtained, and by s. 3 of the British Ships (Transfer Restriction) Act, 1916, the period was extended for three years after the war. On an application by a shipping firm in accordance with the provisions of s. 1 of the Act of 1915, for permission to sell one of their vessels to a foreign purchaser, the Ministry of Shipping (being the department to which, at the material time, the application had to be submitted) granted the licence on condition that payment should be made to the Ministry of Shipping of 15 per cent. of the purchase price. The firm paid the sum demanded and afterwards sought by petition of right to recover it.

Held, that the exaction of the payment of 15 per cent. of the purchase price to the Ministry of Shipping as a condition of the grant of the licence to sell the ship was *ultra vires* the Shipping Controller and was illegal, but that the suppliants' claim to recover the sum in question was barred by s. 1 of the Indemnity Act, 1920, which restricted the taking of proceedings against persons holding office under or employed in the service of the Crown in any capacity in respect of acts done by such persons in good faith.

Decision of AVORY, J., 68 SOL. J. 499; 1924, 1 K.B. 647, reversed.—*BROCKLEBANK v. THE KING, C.A.*, 105; 1925, 1 K.B. 52.

DEED OF ARRANGEMENT :—

Creditor Claiming Prior Lien over Assets not Assenting to Deed—Application to Registrar by that Creditor—Deeds of Arrangement Act, 1914, s. 23.—The summary procedure by which, under s. 23 of the Deeds of Arrangement Act, 1914, the trustee of a deed of arrangement, the debtor, or a creditor entitled to the benefit of the deed, may apply to the court having jurisdiction in bankruptcy, to enforce the trusts of the deed or determine questions arising under it, is not open to a creditor who has not assented to the deed, and who claims adversely to it.—*Re A DEED OF ARRANGEMENT, C.A.*, 523.

DISCOVERY :—

Inspection of Documents—Privilege—Patent Action—Counter-claim for Revocation—Attorney-General's Fiat—Documents in Support of Application for Fiat—Patents and Designs Act, 1907, § 7 Edw. 7, c. 29, s. 32.—Completed drafts of documents in support of an application for the fiat of the Attorney-General to counter-claim for revocation of a patent are privileged documents and the defendants are not bound to produce them for inspection by the plaintiffs.—*VIGNERON-DAHL (BRITISH AND COLONIAL) LTD. v. PETTIT, Lawrence, J.*, 693.

See also Practice.

DIVORCE :—

1. *Application to make absolute a Decree nisi pronounced in British Consular Court in Constantinople—Supreme Court of Judicature in England possessing Jurisdiction—Decree nisi Ordered to be made Absolute.*—The petitioner had married the respondent, who was a British subject, domiciled in Turkey, in 1893, at the British Consulate in Constantinople, and in July, 1924, she obtained a decree nisi for the dissolution of her marriage from the British Consular Court in

Constantinople, on the ground of the respondent's adultery. The Consular Court at Constantinople ceased to function on 6th August, 1924, and the petitioner applied to the English Court to have her decree *nisi* made absolute.

Held, that the English law, which was applicable under the Ottoman Order in Council, 1910, Art. 90, should be administered, and decree *nisi* should be made absolute.—*SEAGER v. SEAGER*, P.D., 724.

2. *Decree Nisi—Application to make Absolute Delayed in Order to Secure Maintenance—Priority of Obligation to Prosecute Suit with Diligence.*—A wife obtained a decree *nisi* for divorce against her husband. Negotiations took place between the parties as to the permanent maintenance to be allowed to her, but without success, and upon her failing during twelve months to apply to make the decree absolute her husband issued a summons to dismiss the suit for want of prosecution. The wife also petitioned for permanent maintenance. It was ordered that the summons "do stand adjourned pending maintenance order."

Held, on appeal, that the effect of this was to place the order for maintenance on the one hand and diligence in the prosecution of the suit on the other in the wrong order. Upon application for permanent maintenance, the necessity of a decree absolute being obtained must be kept in view, and an order should not be made which was in fact independent of it.—*FOX v. FOX*, C.A., 691.

3. *Husband's Suit—Evidence—Res Judicata—Decree in a Previous Suit in which the present Petitioner was Co-respondent.*—A finding in a previous suit that the present petitioner had been guilty of adultery is evidence against him, but is not conclusive; as he denied the adultery and as there was no one before the court who was interested in bringing before it the evidence in the previous suit, the court in the present suit pronounced a decree *nisi*, but invited the attention of the King's Proctor to the case.—*PARTINGTON v. PARTINGTON*, P.D., 294; 1925, P. 24.

FOREIGN STATE :—

Change of Sovereignty—Recognition of New Government—Ownership of Records in England—Respective Rights of Former and Present Government.—Where a revolution has taken place in a foreign country and the new government has been recognized as the *de jure* Sovereign of that country by our Government, that new Government is entitled to the possession and custody in England of records and State archives deposited here before the revolution by the old Government.—*UNION OF SOVIET SOCIALIST REPUBLICS v. ONOU*, K.B.D., 676.

HABEAS CORPUS :—

Removal of Irish Prisoners to English Goal—"Criminal Cause or Matter"—Judicature Act, 1873, s. 47—Appeal to Court of Appeal for Decision of Divisional Court—Competency of Court to Entertain Appeal.—The removal of an Irish prisoner under executive authority of the Government of Northern Ireland from an Irish to an English goal is a "criminal cause or matter" such that, if the King's Bench Division has refused to issue a writ of *Habeas Corpus*, the Court of Appeal is not competent to entertain an appeal under s. 47 of the Judicature Act, 1873.—*REX v. GOVERNOR OF MAIDSTONE GAOL*, C.A., 691.

HIGHWAY :—

Road Made by Owner of Property on Each Side of a Watercourse and Connected by Bridge—Liability to Repair Bridge—Road Taken Over by Local Authority—Whether Bridge also taken Over—Public Health Act, 1875, 38 & 39 Vict., c. 55, s. 4.—A, the owner of land on each side of a watercourse, made a road and constructed a bridge to carry the road over the watercourse. He entered into a covenant (under a deed) with the owners of the watercourse to keep the bridge in repair. Ultimately the local authority took over the road, and the question arose whether the executors of A (who had died) continued to be liable to keep the bridge in repair.

Held, that, having regard to the definition of "street" in s. 4 of the Public Health Act, 1875, the local authority had also taken over the bridge, and that the liability of the executors of A to keep it in repair had ceased.—*REGENTS CANAL AND DOCK COY. v. GIBBONS*, K.B.D., 195; 1925, 1 K.B. 81.

HUSBAND AND WIFE :—

1. *Constructive Desertion—Application for Maintenance—Time Limit—Continuing Act—Summary Jurisdiction (Married Women) Act, 1895, 58 & 59 Vict., c. 39, s. 4.*—A wife having been treated with cruelty and neglect by her husband, and having been told by him that he desired to be rid of her, left him and lived apart. More than a year later she took proceedings before the magistrates for maintenance

on the ground of desertion under s. 4 of the Summary Jurisdiction (Married Women) Act, 1895. The justices found desertion proved, and made an order for the payment of a weekly sum for maintenance. The Divisional Court reversed the order on the ground that proceedings were barred by the lapse of six months since the acts causing the desertion under s. 8 of the Act.

Held, that desertion, whether actual or constructive, is a continuing act, and as the husband had expressed no repentance, or desire to put an end to it, no time had begun to run to bar proceedings under the Summary Jurisdiction Acts.—*BOWRON v. BOWRON*, C.A., 325.

2. *Maintenance—Order obtained by a Married Woman in a Court of Summary Jurisdiction—Dissolution of the Marriage subsequently—Application by the Husband to Discharge the Order—Effect of the Dissolution on the Maintenance Order—Discretionary Power of Magistrate to Discharge the Order—Summary Jurisdiction (Married Women) Act, 1895, ss. 5 and 7.*—A maintenance order obtained by a married woman during her marriage from a court of summary jurisdiction is not terminated by a decree absolute for the dissolution of the said marriage; nor is a court of summary jurisdiction obliged to discharge the order because the marriage has been dissolved; though it has power to do so at its discretion. It depends on the facts of each particular case.—*BRAGG v. BRAGG*, P.D., 73; 1925, P. 20.

3. *Tort of Wife—Money borrowed by Wife—False Representation that money borrowed for Husband—Liability of Husband.*—A married woman asked the plaintiffs to lend her husband money to pay rates and repairs to some property belonging to him, and on this misrepresentation the plaintiffs handed her the money. The husband knew nothing of the matter, he had no need to borrow money and never authorised his wife to obtain a loan, nor did he receive any of the money.

Held, that the fraudulent representation of the wife was not a tort for which the husband could be sued as being liable for his wife's torts.—*EDWARDS v. PORTER*, H.L., 87; 1925, A.C. 1.

See also *Divorce*.

INDUSTRIAL AND PROVIDENT SOCIETY :—

Liability of Members—Rules—Liability Limited on Shares Held—Extrinsic Liability under Rules to take up further Shares—Validity—Industrial and Provident Societies Act, 1893, 56 & 57, Vict., c. 39, ss. 22, 60.—Under the rules of a society registered under the Industrial and Provident Societies Act, 1893, the members were required in certain events to take up and subscribe for further shares in the society from time to time, and there was power to amend the rules and increase the liability.

Held, that the rules did not contravene the principle of limited liability on the shares in winding up proceedings, but created a further and extrinsic liability on the members and constituted a valid contract between the society and its members.

Lion Insurance Association v. Tucker, 12 Q.B.D. 146, applied.

Dibble v. Wills & Somerset Farmers Limited, 1923, 1 Ch. 112, overruled.

Decision of Lawrence, J., reversed.

AGRICULTURAL WHOLESALE SOC. v. BIDDULPH AGRICULTURAL SOC., C.A., 557.

INSURANCE :—

Fire—Exceptions Clause—Incendiarism Occurring during Military Occupation.—Where goods are insured against loss or damage by fire under a policy which excepts the insurers from liability for losses due to incendiarism arising out of, *inter alia*, invasion, act of foreign enemies, hostilities or warlike operations, riot, civil commotion, rebellion, exercise of military or usurped power; and where goods so insured were destroyed by fire at Smyrna during the military occupation of that town by the Turks in September, 1922, but, as the result of looting or outrage by private persons.

Held, that such losses by incendiarism in these circumstances are within the scope of the exceptions clause, and that, therefore, the insurers are not liable under the terms of the policy.—*AMERICAN TOBACCO CO. v. GUARDIAN ASSURANCE CO.*, C.A., 621.

LANDLORD AND TENANT :—

1. *Lease for Twenty-one Years, expiring 1931—Option to both Lessee and Lessor to Determine at end of first Seven or Fourteen Years—Option to Lessee to Call for Further Term beyond the Twenty-one Years—The Last Option Exercised—*

Lessor's Refusal to grant Further Term—Effect of Both Options.—Where a lease for twenty-one years, expiring in 1931, contained options for the lessor or lessee to determine the lease at the end of the first seven or fourteen years, and also an option for the lessee to call for a further term from the expiration of the twenty-one years and such last option was exercised by the lessee, and the lessor thereupon gave notice to determine the lease at the end of the first fourteen years.

Held, that upon the true construction of the lease, such notice did, in fact, duly determine the lease, notwithstanding the defendant's previous notice calling for a further term.—*STEWART v. MASSETT, Lawrence, J., 72.*

2. Lease—Covenant not to assign without Consent—Consent not to be withheld "unreasonably"—Consent withheld in case of Responsible Assignee—Reasons not connected with Demised Premises or Character of Assignee.—A lessor is not justified in withholding consent to an assignment, under the usual covenant by which such consent must not be unreasonably withheld, from reasons which are entirely personal to himself, which are not connected with the character of the proposed assignee, nor with anything affecting the demised premises.—*Re GIBBS and HOULDER BROTHERS AND COMPANY'S LEASE, C.A., 541; 1925, 1 Ch. 198.*

3. Lease of Floor reserving "Passage of Gas, Water and other Pipes"—Extent of Reservation—Installation of additional Pipes.—Where, in the lease of a tenement floor, a right is reserved to the landlord of "passage of gas, water and other pipes," he must exercise his right so as to cause the minimum of disturbance and annoyance to the tenants through whose premises the pipes pass; but the tenant is not entitled to select the manner in which the pipes are to be laid.

Bolton v. Bolton, 1879, 11 Ch. D. 968; Deacon v. The South Eastern Railway, 1889, 61 L.T. 377; and Abson v. Fenton, 1823, 1 B. & C. 195, cases of similar reservations in connection with rights of way, distinguished.—*TAYLOR v. BRITISH LEGAL LIFE ASSURANCE CO., Lawrence, J., 380; 1925, 1 Ch. 395.*

4. Option to Purchase—Assignability—Contract for Surrender of Lease and Grant of Lease to New Tenants—"On the same Terms and Conditions in all respects"—Exercise of Option by New Tenants.—A lease containing an option of purchase of the freehold was agreed in writing to be surrendered and a new lease agreed to be granted for the residue of the original term to other lessees "on the same terms and conditions in all respects as the lease" surrendered. The new lease was not in fact executed, but the tenants went into possession and paid rent.

Held (Pollock, M.R., dissenting), that the word "lease" in the agreement referred, not to the relation of landlord and tenant, but to the document to be executed by the lessor, and it must contain every term and condition contained in the original lease, including the option of purchase.

Sherwood v. Tucker, 68 SOL. J. 769, distinguished.—BACHELOR v. MURPHY, C.A., 175; 1925, 1 Ch. 220.

5. Premises let at Rent of over £100 per annum—Tenant holds over as Statutory Tenant—Action for Possession in High Court—Remitted by Master to County Court—Jurisdiction—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 17 (3).—An action was commenced in the High Court, after the expiration of the term, for the recovery of possession of certain premises, which had been let at a rent exceeding £100 per annum, and of which the tenant was continuing in possession as a statutory tenant under the Rent Restriction Acts. The Master remitted the case to the County Court. The plaintiffs appealed.

Held, that the Master had no power to remit the action to the County Court; that s. 17 (2) of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, did not apply to the action; and that it must remain in the High Court.—*RUSOFF v. LIPOVITCH, K.B.D., 276; 1925, 1 K.B. 628.*

6. Rent Restriction Acts—House Let at Peppercorn Rent—Divided into Two Flats in 1921—Upper Portion let as Dwelling in 1923—Standard Rent—Apportionment—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 12 (1) (a), (3), (7).—A house was let in 1905 at a peppercorn rent, increasing ultimately to £8 10s. a year, which was less than two-thirds of its rateable value. In January, 1923, the owner of the house, who resided in it himself, divided it into two flats, the upper flat being let at a rent of £2 a week. The tenant of the upper flat sought an apportionment for the purpose of obtaining a reduction of rent. The county court judge held that there had been no

reconstruction, and arrived at a hypothetical rent, which he apportioned as the standard rent. The landlord appealed.

Held, that, until the letting of the upper portion in 1923, there had been no previous letting, which the county court judge was entitled to consider; that £2 a week was the standard rent of the property, and that, that being the first rent, there was no necessity to apportion; and that the appeal must be allowed.—*JOY v. EPPNER, K.B.D., 230; 1925, 1 K.B. 362.*

7. Rent Restriction Acts—House Let to Tenant—Tenant gives Landlord use of the Rooms in consideration of the Rent Payable—Standard Rent—Increase of Rent and Mortgage Interest (Restrictions) Act, 1917, 10 & 11 Geo. 5, c. 17, ss. 1, 2 (3).—The landlady of premises which were let on 4th August, 1914, at a rent of £46 10s., let them in 1917 to a tenant under a lease for three years at a rent of £36 per annum, the tenant paying the rates. The lease contained a clause under which, in consideration of the rent payable, the landlady was allowed by the tenant to have the use of two rooms for her occupation, rent free. After the expiration of the term the tenant continued to occupy the premises as a statutory tenant. He ultimately refused to pay rent and claimed to be entitled to recover an alleged excess of rent paid by him. The landlady commenced this action to recover possession and for rent.

Held, that the arrangement did not constitute a lease of the two rooms, but a permission for the landlady to occupy them; that the word "rent" in s. 1 of the Act of 1920 applied only to monetary rent; and that the plaintiff was entitled to succeed in the action.—*HORNSBY v. MAYNARD, K.B.D., 254; 1925, 1 K.B. 514.*

8. Rent Restriction—Leasehold Premises—Landlord obtains Possession with exception of one Room—Mortgages Premises by way of Sub-demise—Attorns Tenant to Mortgagee—Whether entitled to Possession of the Room—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 13 (7)—Rent and Mortgage Interest Restrictions Act, 1923, 13 & 14 Geo. 5, c. 32, s. 2 (1).—A landlord came into possession of the whole of certain leasehold premises (with the exception of one room, which had been sub-let). The premises were subject to the Rent Restriction Acts. The landlord mortgaged the premises by way of sub-demise and attorned tenant to the mortgagee.

Held, that the relation of landlord continued to exist as between the landlord and the tenant of the room, and that the landlord was entitled to an order for possession of the room.—*JENKINSON v. WRIGHT, K.B.D., 74; 1924, 2 K.B. 645.*

9. Restrictions—Flat—Unfurnished Letting by Landlord—Subletting by Tenant as Unfurnished Flat—Recovery of Possession—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 12, s.s. (2) (i).—By s. 12, s.s. (2), of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, "This Act shall apply to a house or a part of a house let as a separate dwelling . . . and every such house or part of a house shall be deemed to be a dwelling-house to which this Act applies: Provided that (i) this Act shall not, save as otherwise expressly provided, apply to a dwelling-house bona fide let at a rent which includes payment in respect of board, attendance, or use of furniture." The tenant of three (in a block of flats) to which the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, applied, occupied one of them as a residence, and furnished the other two flats and sublet them as furnished flats. The superior landlord served on the tenant notice to quit the two flats which the tenant had sublet as furnished flats, and brought an action to recover possession of the flats.

Held, that as the flats were let as furnished flats at the time of the commencement of the action for the recovery of possession, they came within proviso (i) of s.s. (2) of s. 12 of the Act of 1920, and consequently the tenant could not claim the protection of the Rent Restrictions Acts, and the landlord was entitled to possession. Proviso (i) of s.s. (2) of s. 12 of the Act of 1920 relates to the status of the premises.

Glossop v. Ashley, 65 SOL. J. 695; 1922, 1 K.B. 1, applied.

Decision of the Divisional Court, K.B. 68 SOL. J. 647, affirmed.—PROUT v. HUNTER, C.A., 49; 1924, 2 K.B. 736.

10. Restrictions—Rent—Apportionment—Reconstruction—Conversion into Two or More Self-contained Flats—Basement Let Before Conversion—Basement Unaltered—Whether Tenant of Basement Entitled to Apportionment—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 12, s.s. (9).—By s.s. (9) of s. 12 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 "This Act shall not apply to a dwelling-house erected after or in

course of erection on the second day of April, 1919, or to any dwelling-house which has been since that date or was at that date being *bona fide* reconstructed by way of conversion into two or more separate and self-contained flats or tenements . . . " A dwelling-house to which the Act of 1920 applied consisted of a basement and three upper floors. In 1921 the basement was let to a tenant at a rent of 11s. 9d. a week, and in 1923 the landlord converted the upper floors into two separate and self-contained flats. The basement was not altered in any way by the reconstruction. The standard rent of the whole house was £80 a year. The tenant of the basement applied under s-s. (3) of s. 12 of the Act of 1920 for an apportionment of his rent and the registrar apportioned the rent of the basement at one-fifth of the rent of the whole house. The registrar's order was affirmed by the county court judge, but reversed by the Divisional Court.

Held, that as the reconstruction of the upper floors did not cause the house to lose its identity and as the basement was unaffected by the reconstruction, the tenant of the basement was entitled to the order of apportionment.

Decision of the Divisional Court, 68 SOL. J. 814; 1924, 2 K.B. 342, reversed.—ABRAHART v. WEBSTER, C.A., 141; 1925, 1 K.B. 563.

11. *Tenancy—Subject to "Three Months' Notice"—Notice to Quit—Validity—"On Earliest Day on which Tenancy can Legally be Determined"—Ambiguity—"Month"—Lunar or Calendar Month.*—A tenant occupied certain licensed premises under a tenancy agreement, in which it was provided that each party should be at liberty to determine the tenancy by three months' notice given to the other party, to expire on any one of the days appointed as special transfer sessions. The landlords gave to the tenant notice to quit and deliver up the premises "on the earliest day your tenancy can legally be terminated by valid notice to quit given to you by us at the date of the service hereof."

Held (Scrutton, L.J., dissenting), that the notice to quit was invalid on the ground of ambiguity. The notice required a degree of knowledge on the part of the tenant to make it clear and unambiguous which the court would not impute to him.

Held, further, by the whole court, that the expression "three months" in the agreement meant three lunar months.

Decision of Lush, J., 68 SOL. J. 579; 1924, 2 K.B. 45, affirmed.—PHIPPS & CO. v. ROGERS, C.A., 50; 1925, 1 K.B. 14.

LAW MERCHANT:—

Sale of Goods—Sale or Return—Agency by Issue of Customary Note—Custom of the Diamond Trade—Theft by Agent—Legal Position of bona fide Purchaser.—Where a diamond merchant entrusts precious stones under the form of "Sale or Return" note, customary in the diamond trade to an agent for sale on the terms that the agent is either to return the stones or their cash value to his principal, whose property they are to remain in the meanwhile;

And where the agent sells the stones to a *bona fide* purchaser for value from which he receives the price agreed, and converts this money to his own use under circumstances amounting to larceny, and is subsequently prosecuted to conviction for this offence.

Held, that in the circumstances the property has never passed to the purchasers, and that the sellers are entitled to recover either the stones or their value.

Weiner v. Gill, 1906, 2 K.B. 374, applied.—KEMPLER v. BRAVINGTON, C.A., 639.

LIBEL:—

Justification—Fair Comment—Misdirection.—The jury in a libel action found that the words complained of were defamatory of the plaintiff, that they were true in substance and in fact, and that they were not fair comment, and awarded the plaintiff damages. The Court of Appeal held that the findings of the jury amounted to a verdict for the plaintiff and allowed the appeal. On appeal to the House of Lords.

Held, that there was no evidence on which a rational verdict could be found that the comment was unfair, and accordingly the appeal was allowed, the cross-appeal on the ground of mis-direction being dismissed.—SUTHERLAND v. STOPES, H.L., 138; 1925, A.C. 47.

LICENSING:—

Business carried on by Person other than Licensee—Licensee's Name over Door of Premises—Failure of Occupant to Pay for Goods supplied—Whether actual Licensee Liable—Failure of Vendor to notice Name over Door—Whether Occupant Agent of Licensee—Estoppel.—A, the licensee of a

public-house, by agreement with B, put B in occupation thereof without procuring the transfer of the licence to her before the justices in the usual manner. B carried on the business and was supplied by a firm with provisions and other goods necessary for the conduct of a licensed house, which served as a restaurant or victualling house. The representative of the firm, who dealt with B, failed to observe the name of A over the door of the house as licensee, and believed B to be the licensee thereof. Ultimately B ceased to occupy the public-house and the licence was properly transferred to a new tenant. Shortly after her departure B became bankrupt, and, as she had failed to pay sums owing to the firm for goods supplied, they sought to make A liable for the amount due to them.

Held, that (1) B was not the agent of A, and (2) that, as the representative of the firm might have observed the name of A over the door as licensee, and had not been induced by A to believe that B was his agent, A was not estopped from denying that B was his agent.—MACFISHERIES v. HARRISON, K.B.D., 89.

LOCAL GOVERNMENT:—

1. *Cinematograph Performances—Conditions—Cinematograph Act, 1909, 9 Edw. 7, c. 30, s. 2 (1).*—The London County Council granted a licence to the plaintiff to use certain premises for the purpose of cinematograph performances. One of the conditions of the licence was that "no film other than photographs of current events which has not been passed for 'universal' exhibition by the British Board of Film Censors shall be exhibited in the premises without the express consent of the Council during the time that any child under, or appearing to be under, the age of sixteen years is therein; provided that this condition shall not apply in the case of any child who is accompanied by a parent or *bona fide* adult guardian of such child."

Held, that as the condition provided for an appeal from the British Board of Film Censors to the Council, it was not *ultra vires*; and that the condition was one which ought to be supported if it could reasonably be supported; and that it could reasonably be supported.

Ellis v. Dubowski, 1921, 3 K.B. 621, referred to.—MILLS v. LONDON C.C., K.B.D., 254; 1925, 1 K.B. 213.

2. *Clerk of the Peace and Clerk of the County Council—Duration of Offices—Whether Terminable—Local Government Act, 1888, 51 & 52 Vict., c. 41, ss. 83, 118.*—The tenure of the combined offices of clerk of the peace and clerk of the county council of an administrative county is so governed by the provisions of the Local Government Act, 1888, that those appointments are, since the coming into operation of that statute, no longer necessarily appointments for life during good behaviour.—THORNELEY v. LECONFIELD, K.B.D., 143; 1925, 1 K.B. 236.

3. *Housing—Notice to Repair—Failure by Owner to Comply—Expenditure by Local Authority—Demand upon Owner for Reimbursement—Alleged Agreement to Pay by Instalments—Failure to Pay Second Instalment—Order for Payment by Instalments—Summary Jurisdiction Act, 1848, 11 & 12 Vict., c. 43, s. 11—Housing, Town Planning, &c., Act, 1919, 9 & 10 Geo. 5, c. 35, s. 28, s-s. (3) and (4).*—Where an owner of property has failed to comply with a notice to repair and the local authority has had to undertake the repairs in his stead, s. 28 (3) of the Housing, Town Planning, &c., Act, 1919, provides that the authority may recover the amount expended summarily (which by the Summary Jurisdiction Act, 1848, means within six months of the time when the complaint was made). Section 28 (4) provides that the authority may by order declare that the expenditure is repayable by monthly or annual instalments with a like power to recover an instalment summarily. An owner who had failed to comply with a notice to repair received an account and claim from the local authority for the total amount spent by the authority in effecting the repairs necessary. He did not pay, but negotiations took place, and repayment by instalments was agreed upon. After paying one instalment, the owner declined to pay any other, and the authority made an order under s. 28 (4) declaring the amount to be payable by monthly instalments. Payment of the first instalment under that order having been refused, the authority took proceedings to recover the amount summarily, the date of those proceedings being more than six months after the first rendering of the account.

Held, that the effect of the two sub-sections was cumulative and not alternative. Therefore the local authority were not prevented taking proceedings under s. 28 (4) to recover the instalments by the contention that having originally presented an account under s. 28 (3) for the full

amount, their only remedy was to take proceedings under that sub-section within six months of the rendering of the account.—*SALFORD CORP. v. HALE, C.A., 192; 1925, 1 K.B. 503.*

4. *Housing—Rent Restriction Acts—Recovery of Possession by Local Authority under Housing Acts—Alternative Accommodation—Housing, Town Planning, &c., Act, 1919, 9 & 10 Geo. 5, c. 35, s. 35—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 5 (1) (c)—Housing, &c., Act, 1923, 13 & 14 Geo. 5, c. 24, s. 10—Rent and Mortgage Interest Restrictions Act, 1923, 13 & 14 Geo. 5, c. 32, s. 4.*—The provision contained in s. 35 of the Housing, Town Planning, &c., Act, 1919, under which a local authority is empowered to recover possession of houses, for certain purposes, is not so affected by any apparently conflicting provision, in the subsequent statutes above referred to, as to impose upon the local authority, when acting under that section, the obligation of providing alternative accommodation.—*PARRY v. HARDING, K.B.D., 162; 1925, 1 K.B. 111.*

5. *Metropolitan Borough—Audit of Accounts—Wages paid by Borough Council—Excessive Payments—Auditor—Powers—Surcharge—Certiorari to Quash—Metropolis Management Act, 1855, 18 & 19 Vict., c. 120, s. 62—Public Health Act, 1875, 38 & 39 Vict., c. 55, s. 247, s.s. (7).*—A borough council made payments of wages to its employees under the powers conferred on it by s. 62 of the Metropolis Management Act, 1855. The district auditor regarded certain payments, so made by them, as being far in excess of those necessary to obtain the services required and to maintain a high standard of efficiency. He therefore disallowed a sum of £5,000 and surcharged it on certain of the councillors. Rules were thereupon obtained for writs of certiorari to quash the surcharges on the ground that the surcharges improperly limited the discretion vested in the borough council under s. 62 of the Metropolis Management Act, 1855, under which the council was empowered to pay its servants such wages as the council thought fit.

Held (Bankes, L.J., dissenting), that the council had acted within its powers, and *bona fide*, and that the payments of wages made by the council were not of so excessive a character as to become illegal or *ultra vires*, and, therefore, the rules *nisi* for certiorari must be made absolute.

Decision of the Divisional Court, 68 Sol. J., 343; 1924, 1 K.B. 514, reversed.—*REX v. ROBERTS, C.A., 10.*

6. *Metropolitan Borough—Minimum Wage for Employees—Illegal Payment—Disallowance and Surcharge.*—The Metropolis Management Act, 1855, s. 62, does not confer on a borough council an unlimited discretion to pay to their employees any wages they may think fit, and in the case of an excessive payment the district auditor is entitled to disallow and surcharge the excess.—*ROBERTS v. HOPWOOD, H.L., 475.*

7. *Municipal Corporation—City Council—Alderman—Disqualification—Company Contracting with Corporation—Managing Director and Shareholder of Company—Share or Interest in Contract with Council—Municipal Corporations Act, 1882, 45 & 46 Vict., c. 50, s. 12, s.s. (1) (c), s. 41.—Bys. 12, s.s. (1) (c) of the Municipal Corporations Act, 1882, a person shall be disqualified for being a councillor if and while he . . . has any share or interest in any contract . . . with . . . the council.* The appellant was an alderman of the City of Leeds, and was also managing director of and a large shareholder in a limited liability company in Leeds which had a contract with the corporation of which the appellant was an alderman. There was no evidence that he took any active part in the negotiation, preparation or supervision of the contract beyond that which a managing director might be presumed to take in the ordinary discharge of his duties.

Held (Atkins, L.J., dissenting), that he was not disqualified by s. 12, s.s. (1) (c) of the Municipal Corporations Act, 1882, for being elected and for being a councillor as having directly or indirectly an interest in the contract.—*Decision of Bailhache, J., 40 T.L.R. 857, reversed.—LAPISH v. BRAITHWAITE, C.A., 70; 1925, 1 K.B. 474.*

8. *Public Health—Cesspools—Undertaking by Local Authority to Cleanse—Resolution at Later Date not to Cleanse—Public Health Act, 1875, 38 & 39 Vict., c. 55, ss. 42, 43 and 44.*—There is nothing in ss. 42, 43 and 44 of the Public Health Act, 1875, which prevents a local authority which has once undertaken to do a particular task from subsequently relieving themselves of the obligation to perform that task.

Leck v. The Epsom Rural District Council, 1922, 1 K.B. 383, followed.—WHITBREAD & CO. v. STAINES RURAL D.C., Romer, J., 177; 1925, 1 Ch. 89.

9. *Public Health—Width of Streets—Setting Back Houses—Erection of New House—Street—Building on Either Side thereof in same Street—Public Health (Buildings in Streets) Act, 1888, 51 & 52 Vict. c. 39, s. 3.*—The word "street," in the Public Health Acts, means a highway bordered by a more or less continuous row of houses, and the expression "house or building on either side thereof" refers to a building in a reasonable degree of proximity.

Held, therefore, that an urban authority was not entitled to insist that a new house in a highway should be set back to a line in conformity with that set by another building 700 feet away.—*ATT.-GEN. v. LAIRD, C.A., 379; 1925, 1 Ch. 318.*

10. *Water Supply from Local Authority—Theatre—Assessment upon Gross Rental—Private Dwelling-house—Water for Domestic Purposes—Supply according to Agreement—Waterworks Clauses Act, 1847, s. 53—Halifax Improvements Act, 1853, ss. 59, 63.*—A theatre, where the consumption of water was very small in comparison with its high assessment for rating purposes, was held entitled to be supplied with water by a local authority under a section in the local Act, which permits the supply of the water as for trading purposes, and by agreement between the parties. The local authority was held not entitled to charge the theatre on the basis of its assessment to rating, under a section which provides for the supply to private dwelling-houses or for domestic purposes.—*NORTHERN THEATRES v. SHILLITO, C.A., 459; 1925, 2 K.B. 100.*

MINES :—

Surface and Underground Rights—Different Owners—Conflicting Interests—Danger of Minerals Remaining Permanently Unworked—Application for Power to Work—Costs—Mines (Working Facilities and Support) Act, 1923, 13 & 14 Geo. 5, c. 20, ss. 1, 6 (1).—The decision of the court in respect of an application in pursuance of the Mines (Working Facilities and Support) Act, 1923, for the grant of the right to work certain specific minerals in accordance with the provisions of that statute, is not merely one for agreement between applicants and objectors; the public interest must also be considered and safeguarded by the court, and, whatever the terms which any party thinks may be appropriate in his own interest, it is the duty of the court to see that both the national interest and the interests of all concerned are protected. Form of order made by the court in an application of the above nature, in the course of the hearing of which the parties came to terms.

Observations as to how the court will deal with the costs of such applications.—*Re NUNNERY COLLIERY, Rly. Commission, 52.*

MISTAKE :—

Mistake of Fact—Money had and received by the Defendants for the Use of the Plaintiffs—Recoverability of Money as paid under mistake of fact.—Where the plaintiffs, a London bank, received telegraphic instructions from a Warsaw bank on behalf of a Polish company to pay the defendants a sum of £2,000 on account of a debt of £1,000 owed by the Polish company to the defendants; and where a letter of confirmation was subsequently received by the London bank from the Warsaw bank, which the former mistook for a fresh direction to pay another £2,000 on account of the balance of the debt, with the result that they did so pay to the defendants this additional sum; and where afterwards, on discovery of their mistake, the London bank sought to recover from the defendants the sum of £1,000 (the other moiety of the £2,000 wrongly paid having been subsequently directed to be paid on behalf of the Polish company by the Warsaw bank).

Held, that the plaintiffs were not entitled to recover against the defendants either as money paid under a mistake of fact or on any other legal ground.—*BARCLAY'S BANK v. W. F. MALCOLM & CO., K.B.D., 675.*

MORTGAGE :—

Emergency Legislation—Mortgagee Selling—"Interest more than Twenty-one Days in Arrear"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, 10 & 11 Geo. 5, c. 17, s. 7.—Section 7 (a) of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, means that a mortgagee cannot "take any step" so long as interest is paid not later than twenty-one days after it is due.—*EVANS v. HORNER, Russell, J., 161; 1925, 1 Ch. 177.*

MOTOR CAR :—

Limited Trade Licence—Convertible Vehicle—Vehicle Conveying Alternative Body—Road Vehicles (Trade Licences) Regulations, 1922, para. 4, Art. B (1) (b).—A "Ford

convertible tourer and truck" driven with the motor body placed upon the lorry constitutes a complete vehicle, carrying a portion of a vehicle, and the driving of it thus, under a limited trade licence, is an infringement of the statutory provisions.—*LEES v. RAVENHILL, K.B.D.*, 177.

2. *Warning of Intended Prosecution under Motor Car Act, 1903*, 3 *Edw. 7*, c. 36, s. 9 (2)—*Extent of Application—Driver of Heavy Motor Car Prosecuted Without Warning—Heavy Motor Car Order, 1904, S.R.O., No. 1809—Locomotives on Highways Act, 1896*, 59 & 60 *Vict.*, c. 36, ss. 6, 7—*Motor Car Act, 1903*, ss. 9, 12.—The provision as to the warning of intended prosecution contained in s. 9 (2) of the Motor Car Act, 1903, does not affect the prosecution of the driver of a heavy motor car under the Locomotives on Highways Acts, 1896, and the Heavy Motor Car Order, 1904.—*STAUNTON v. COATES, K.B.D.*, 126.

NEGLECTANCE :—

1. *Motor-car—Unattended on Highway—Intervention of Third Parties—Defective Brakes—Damage—Liability.*—A motor car, which was left unattended on a highway on the side of a hill, was caused, by the intervention of a mischievous boy, to descend the hill, thereby injuring a wall. In proceedings before the county court judge against the owner of the car for damages in respect of the injury to the wall, it was proved that one of the brakes was defective. The county court judge found that the owner of the car was liable. The owner of the car appealed, and the Divisional Court affirmed the decision.

Held, that there was evidence which justified the county court judge in coming to his decision and that the appeal must be dismissed.—*MARTIN v. STANBOROUGH, C.A.*, 104.

2. *Quasi Arbitrator—Contract—Surveyors and Valuers—Acting for Vendor and Purchaser—Position of Arbitrators and Quasi Arbitrators—Liability for Negligence—Duty to Exercise Impartial Judgment.*—A firm of surveyors was appointed jointly by the parties to a contract for the sale of certain growing timber, to value the timber. The vendor subsequently commenced proceedings against the surveyors for damages for negligence in respect of their valuation of the timber.

Held, that the surveyors were in the position of quasi-arbitrators, and that the action failed.

Chambers v. Goldthorpe, 47 *W.R.* 401; 1901, 1 *K.B.* 624, followed.—*BOYNTON v. RICHARDSON, K.B.D.*, 107.

PARTNERSHIP :—

Agreement to Purchase Deceased Partner's Share—Indemnity against Liabilities—Overdraft at Bank—No Demand by Bank for Payment—Claim by Executor to Indemnity.—By an agreement between partners a deceased partner's share was to be purchased by the others, and his estate was to be indemnified against partnership liabilities. The partnership account at the bank was overdrawn, but no demand for payment had been made by the bank. In an action by the executor of the deceased partner to be indemnified against liability in respect of the overdraft,

Held, that there was no obligation to pay until a demand had been made, and therefore the action failed.

Ascherson v. Tredegar Dry Dock and Wharf Co., 1909, 2 *Ch.* 401, distinguished.—*BRADFORD v. GAMMON, Eve, J.*, 160; 1925, 1 *Ch.* 132.

POLICE :—

Strike at Colliery—Requisition for Protection—Special Service—Liability for Payment.—The workmen of a colliery being on strike, the manager applied for police protection for the colliery, and contended that it could not be efficiently protected without a resident garrison of police. The police superintendent was willing to provide protection in another way, but refused a police garrison unless the manager signed a requisition for special service, which he did. In an action by the County Council to recover the costs of the force so provided.

Held, that the plaintiffs were entitled to recover.—*GLASBROOK BROS. v. GLAMORGAN C.C., H.L.*, 212; 1925, *A.C.*, 270.

POOR LAW :—

Officers and Servants—Compulsory Pensions Scheme—Compulsory Contributions—War Bonuses added to Ordinary Remuneration—Contracting Out of Contributions—Ultra vires—Poor Law Officers' Superannuation Act, 1896, 59 & 60 *Vict.* c. 50—*Poor Law Officers' Superannuation Amendment Act, 1897*, 60 & 61 *Vict.* c. 28.—*Poor Law Officers and servants may not contract themselves out of their statutory rights and obligations arising under the Poor Law Officers' Superannuation Act, 1896.*—*DEWHURST v. SALFORD UNION, C.A.*, 541; 1925, 1 *Ch.* 139.

See also Rating.

PRACTICE :—

1. *Discovery—Action for Forfeiture of Lease—Court unwilling to grant Discovery.*—The Court will not grant discovery in order to assist an action for forfeiture of a lease.

Merborough (Earl of) v. Whitehead Urban District Council, 45 *W.R.*, 564; 1897, 2 *Q.B.*, 111, followed.

Earl of Powis v. Negus, 1923, 1 *Ch.* 186, overruled. Decision of Russell, J., reversed.

SEDDON v. COMMERCIAL SALT CO., C.A., 159; 1925, 1 *Ch.* 187.

2. *Discovery—Inspection—Banker's Books—Oath of Party as to Incriminating Entries—Claim of Privilege—Conclusiveness of Oath—Banker's Books Evidence Act, 1879*, 42 *Vict.*, c. 11, s. 7.—By s. 7 of the Bankers' Books Evidence Act, 1879, "on the application of any party to a legal proceeding a court or judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings." The plaintiff applied under the above section for liberty to inspect and take copies of all entries in the banker's book relating to the female defendant's account over a certain period. The female defendant filed an affidavit in which she objected to produce the copies of the entries in question on the ground that they would tend to incriminate her and subject her to a criminal prosecution.

Held (Scrutton, L.J., dissenting), that the defendant's oath was conclusive, and that, therefore, the entries in question were privileged from inspection.

Parnell v. Wood, 1892, *P.* 137, and *South Staffordshire Tramways Co. v. Ebbemith*, 1895, 2 *Q.B.* 669, followed.

WATERHOUSE v. WILSON BARKER, C.A., 51; 1924, 2 *K.B.* 759.

3. *Judgment—Certificate of Judgments—Registration of Certificate of Judgment in the Irish Free State—Judgments Extension Act, 1868—Ord. 61, r. 7.*—A certificate of judgment will not be issued under the Judgments Extension Act, 1868, for registration in the Irish Free State, the judgment creditor may perhaps obtain a mere certificate of his judgment granted under Order 61, r. 7, which certificate he can use in Ireland for what it is worth, but such certificate must not be endorsed as made under the powers conferred or for the purposes of the Judgments Extension Act, 1868.

Wakely v. Triumph Cycle Company, Limited, 1924, 1 *K.B.* 214, applied.

Gives v. O'Connor, 1924, 2 *Ir. R.* 182, discussed and distinguished.

BANFIELD v. CHESTER, C.A., 692.

4. *Judgment Debt paid by two of Several Sureties—Issue of Execution against Co-Sureties—Change of Parties by Death—Leave Necessary—Mercantile Law Amendment Act, 1856*, 19 & 20 *Vict.*, c. 97, s. 5—*Rules of the Supreme Court, Ord. 42, r. 23.*—Two out of six sureties paid the judgment debt for which the debtor was liable, and obtained an assignment of that debt from the judgment creditor, as provided by s. 5 of the Mercantile Law Amendment Act, 1856. One of the six sureties had died, and the two sureties who had paid the debt applied under Ord. 42, r. 23, for leave to issue execution against P. H. and R. H., two of the sureties who had not satisfied their share of liability for the sum paid. P. H. and R. H. resisted the application, contending that they had counter-claims against the two sureties who had paid, and the application was dismissed. The trustee for the two sureties who had satisfied the judgment appealed, on the ground that leave was not necessary where there was a right to proceed against a co-surety for his aliquot share of liability under s. 5 of the Mercantile Law Amendment Act, 1856.

Held, that as by the death of one of the sureties a change had taken place "by death or otherwise in the parties entitled or liable to execution" within the meaning of Ord. 42, r. 23, leave of the court was necessary to the issue of execution.—*KAYLEY v. HOTHERSALL, C.A.* 310; 1925, 1 *K.B.* 607.

5. *Motion for Judgment in Patent Action—Inquiry as to Damages—Direction as to Payment of Amount Found Due—Form of Order.*—It is not the practice of the Chancery Division to make an order in the form adopted in the King's Bench Division merely because it is dealing with a matter on which there is concurrent jurisdiction. The same procedure will be followed on a motion for judgment in default of appearance in a patent action as in any other similar action, and order for payment of the amount found due on the inquiry as to damages will not be made at the time when the inquiry is directed, but liberty to apply will be given.

Ashover Flour Spar Mines, Limited v. Jackson, 1911, 2 *Ch.* 355, distinguished.

BRITISH THOMSON-HOUSTON CO. v. G. & R. AGENCY, Tomlin, J., 475.

6. Parties—Application for leave to Add Defendant—Objection of Plaintiffs—Third Party Notice—R.S.C. Ord. 16, rr. 11, 48.—The plaintiffs commenced an action against their agents, the defendants, claiming to have an account taken of the rents received by them on behalf of the plaintiffs. The defendants had received a notice from a third party to discontinue paying the rents to the plaintiffs as the third party claimed to be entitled to them as tenant of the premises. On a summons by the defendants asking that the third party might be added as a defendant to the action.

Held, that no order could be made for adding the third party as defendant against whom no relief was sought, but leave was given to issue a third party notice and to serve the same upon her.—**HOOD BARRS v. FRAMPTON KNIGHT AND CLAYTON, Eve, J., 125.**

7. Security for Costs—Plaintiff who has no Permanent Address—Lack of Fixed Address due to Poverty.—A plaintiff since issue of the writ was obliged to leave his residential and business addresses owing to financial failure. In subsequent proceedings his address was given as being at a London hospital, to which he had been admitted. He had not or attempted in any way to deceive as to his circumstances.

Held, that the plaintiff's position appeared to be due to his poverty, and therefore his lack of a permanent address was not a ground for ordering him to give security for costs.—**KNIGHT v. PONSONBY, C.A. 345; 1925, 1 K.B., 545.**

8. Service of Writ out of Jurisdiction—Court's Discretion—Forum Conveniens—Claim for Injunction—Rules of the Supreme Court, Ord. xi, r. 1 (f) and (g).—By Ord. xi, r. 1, service or notice of a writ out of the jurisdiction may be allowed *inter alia*, under sub-r. (f), when part of the relief sought is an injunction, and, under sub-r. (g), when "any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within the jurisdiction." The court, however, discharged an order for foreign service or notice of a writ in a case where the injunction sought was only incidental to the relief claimed, and where, although there was a co-defendant in England, the defendant served abroad was the sequestrator of the assets of a Belgian company properly entitled to recover and administer a certain sum, a share in which was claimed by the plaintiffs as members of that company, and where the *forum conveniens* was obviously a Belgian and not a British court.

Appeal from a decision of Russell, J.

ROSLER v. HILBERY AND CAROLY, C.A., 293; 1925, 1 Ch. 250.

PROBATE :—

Will made by Testator in favour of Wife—Will subsequently Destroyed by Testator under Mistake of Law as to the result of Intestacy—Dependent Relative Revocation—Contents of Destroyed Will Pronounced for.—A mistake of a testator as to the result in law of an intestacy in consequence of which he destroys his will, held to be a case of dependent relative revocation and the contents of the destroyed will admitted to probate.—**IN THE ESTATE OF SOUTHERDEN, C.A., 723.**

PUBLIC AUTHORITIES PROTECTION ACT :—

Limitation of Action—Medical Officer to Board of Guardians—Failure to Diagnose Cause of Injury to Patient—Negligence—"Continuance of Injury or Damage."—Where the medical officer to a board of guardians is sued in a civil action for negligence causing injury to a patient treated by him in his public capacity, and where the "act, neglect, or default" alleged against him occurred at a greater distance of time than six months next preceding the commencement of the action, although the pecuniary loss suffered by the patient did not commence until a period less than six months before action brought; The defendant is entitled to plead successfully that the action is barred by s. 1 (a) of the Public Authorities Protection Act, 1893.—**FREEBORN v. LEEMING, K.B.D., 692.**

RAILWAY :—

Statutory Remuneration—Capital provided out of Reserve Funds—Railways Act, 1921, s. 58.—Capital expended by railway companies and obtained by drawing upon their undistributed profits, pension funds or other reserves, is not within the meaning of s. 58 (1) (b) of the Railways Act, 1921 "additional capital raised or provided" in respect of which the companies are entitled to claim the remunera-

tion provided by that section. Capital "raised" indicates capital obtained by an issue offered to and subscribed by the public.—**Re RAILWAYS ACT, 1921, C.A., 326.**

RATING :—

1. Poor Rate—Appeal to Quarter Sessions—Notice—Gross Estimated Rental—Statutable Deductions—Reduction of Rateable Value to Nothing.—On the hearing of an appeal to quarter sessions against a poor rate, the assessment committee are not entitled to give evidence that the gross estimated rental inserted in the rate book is too low. But this does not apply where the appellants, by their notice of appeal, question both the gross and the rateable values fixed by the valuation list, and in such a case the court is not bound by the decision in *Hendon Paper Works Co. v. Sunderland Union*, 1915, 1 K.B. 763, to reduce the rateable value to nothing.—**GATESHEAD UNION v. RED-HEUGH COLLIERY, H.L., 253; 1925, A.C. 309.**

2. Poor Rate—Water Undertaking—Hereditaments in more than one Parish—Assessment—Profits Basis and Contracting Basis: Alternative Methods—Parochial Assessments Act, 1836.—Where a large public undertaking, such as a water board, is the occupier of hereditaments in more than one parish, and where it is impossible to ascertain the exact earnings made in each parish, and where accordingly the assessment committee had valued the portion of the undertaking situated within each parish in accordance with the contractors' principle (i.e., the principle that the rental can be ascertained by finding the capital cost of the works within that parish and taking a percentage of that capital value as the hypothetical equivalent of the net annual profit upon it) instead of assessing it upon the profits principle, i.e., the principle that the total profits on the whole undertaking must be distributed proportionately amongst the hereditaments situated in each parish in accordance with the ratio which the capital value of the hereditaments in each parish bears to that of the whole undertaking.

Held, that the correct basis of valuation is the method prescribed by the profits principle, not that of the contractors' principle, and that the assessment committee is not entitled to select whichever of those two it prefers.

The rule laid down by Mr. Justice Wightman in the *West Middlesex Case*, 1, E. & E., 716, at p. 722, applied.—**METROPOLITAN WATER BOARD v. KINGSTON UNION, C.A., 605.**

REVENUE :—

1. Corporation Profits Tax—"Carrying on Trade or Business"—Sale of Railway for Annual Sum—Staff maintained to distribute Annual Sum—Finance Act, 1920, 10 & 11 Geo. 5, c. 18, s. 52.—A company formed to finance, construct and maintain a railway sold it in consideration of a yearly sum, and maintained a small staff to receive and distribute the annual sum among its shareholders after deducting income tax.

Held, that the company was carrying on a trade or business or similar undertaking, and was therefore liable to corporation profits tax.—**SOUTH BEHAR RAILWAY CO. v. INLAND REVENUE COMMISSIONERS, H.L., 379; 1925, A.C. 476.**

2. Corporation Profits Tax—Mutual Insurance Company—Company Limited by Guarantee—Surplus arising from Members' Mutual Operations—"Trade or Business"—"Profits"—Finance Act, 1920, 10 & 11 Geo. 5, c. 18, ss. 52 (2), 53 (h).—A company limited by guarantee for the purpose of undertaking the mutual insurance of members, being all persons taking out an insurance policy with it, and accumulating a surplus as a result of such operations, is carrying on a trade or business within the Finance Act, 1920, s. 52 (2), and such a surplus is profits of the company, and liable to corporation profits tax.

New York Life Insurance Co. v. Styles, 14 App. Cas. 381, distinguished.

Decision of Rowlatt, J., reversed.—**INLAND REVENUE v. CORNISH ASSURANCE CO., C.A., 139.**

3. Estate Duty—Annuity Charges on Real Estate—Surrender by Annuitant within Three Years of Death—Whether Chargeable with Estate Duty on Death of Annuitant—Finance Act, 1900, 63 Vict., c. 7, s. 11 (1); Finance (1909-10) Act, 1910, 10 Edw. 7, c. 8, s. 59 (1).—An annuitant, within three years of her death, surrendered her annuity to the owner in fee of the hereditaments charged with payment of the annuity. Estate duty was claimed in respect of the property charged with the annuity to the extent to which benefit arose by the cesser of the annuity.

Held, that the owner in fee of the hereditaments could not, as a result of the surrender of the annuity, be said to be "a person entitled to the property in remainder or reversion"

within the meaning of s. 11 of the Finance Act, 1900, and that, that section being inapplicable, he was not liable to estate duty.—*ATTORNEY-GENERAL v. LANE FOX, K.B.D.*, 90; 1924, 2 K.B. 498.

4. *Income Tax—Company—Charitable Trust—College—Surplus after Payment of Expenses—Profits Chargeable with Income Tax—Trade or Business—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, Sched. D, Cases I and VI.*—A company limited by guarantee was incorporated to carry on an existing public school on lines defined by the memorandum, no dividend, bonus or profit being allowed to be paid to any member of the company, except in return for services rendered. Fees were charged for the education supplied. There was in most years a surplus of income over expenditure and such surpluses were applied in reducing mortgage debts, or in the provision of improvements and additions.

Held, that the school carried on a trade or business, and that such surpluses were profits or gains of such trade or business, and therefore liable to be assessed for income tax.

Decision of Rowlatt, J., reversed.—*BRIGHTON COLLEGE v. MARRIOTT, C.A.*, 229; 1925, 1 K.B. 312.

5. *Income Tax—Deductions—Office of Recorder—Travelling and Hotel Expenses—Outlay "wholly, exclusively and necessarily" in the Performance of Duties—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, Sched. E, r. 9.*—A person holding a public office which requires that he should exercise his functions in a certain place, and who, for purposes connected with his private circumstances, lives at a distance from that place, cannot, upon being assessed to income tax on the profits of that office, deduct from those profits the money spent by him upon travelling from his residence to that place, nor the hotel expenses which he may thereby incur. Such expenses are necessitated by his own volition in choosing to live at a distance from his office, and are not "necessarily" incurred, nor an expenditure "wholly exclusively and necessarily" in the performance of his duties, within the meaning of r. 9 applicable to Sched. E of the Income Tax Act, 1918.

Decision of Rowlatt, J., 68 SOL. J. 843; 1924, 2 K.B. 347, affirmed by Pollock, M.R., and Scrutton, L.J. (Warrington, L.J., dissenting).—*RICKETTS v. COLQUHOUN, C.A.*, 124; 1925, 1 K.B. 725.

6. *Income Tax—Non-resident Person—Assessability in Respect of Profits or Gains—"Trade . . . Exercised within the United Kingdom"—Assessment in Name of Agent—"Authorized Person Carrying on the Regular Agency"—Income Tax Act, 1842, 5 & 6 Vict., c. 35, s. 41—Income Tax Act, 1853, 16 & 17 Vict., c. 34, Sched. D—Finance (No. 2) Act, 1915, 5 & 6 Geo. V, c. 89, s. 31—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, all Schedules, Rules Nos. 5, 6, 7 and 10.*—The respondents, a firm of Egyptian cotton merchants, sold their cotton in England, through K, who was established in Manchester. The prices were fixed by the respondents, and K transmitted applications for cotton to the respondents, who either accepted them or refused them through K. If the respondents accepted them, K, on behalf of the respondents, entered into contracts with the applicants. K received no money on behalf of the respondents. The cotton was shipped c.i.f. from Egypt, and was delivered direct to the purchasers and payment was made by bills drawn on the purchasers and discounted in Egypt. K was free to act for others, but in fact did not do so, and the respondents were under no obligation to send him any business at all.

Held, that the respondents exercised a trade "within the United Kingdom" through K, who was an authorised person carrying on the regular agency, and the respondents were assessable in his name.—*WILCOCKS v. PINTO & Co., C.A.*, 178; 1925, 1 K.B. 30.

7. *Income Tax—Profits from Foreign Possessions—Assessment—No Dividend Received during Current Year—Whether Liable to Assessment—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, Sched. D, Case V, r. 1.*—The holder of shares in a company registered abroad was assessed to income tax on the basis of the average of the three preceding years, although in the current year no dividend was paid and no income remitted to him. The General Commissioners discharged the assessment and Rowlatt, J., affirmed their decision.

Held, that the assessment had been rightly discharged on the basis that, as no profits had risen from the source in question for the year, there was no liability on the shareholder to pay any income tax, and the appeal must be dismissed.

Brown v. National Provident Institution, 1921, 2 A.C. 222, applied.

Decision of Rowlatt, J., 68 SOL. J. 883; 1924, 2 K.B. 421, affirmed.—*WHILAN v. HENNING, C.A.*, 159; 1925, 1 K.B. 387.

8. *Income Tax—Profits from Growing Crops—Growers also Salesmen—Land used for Growing under Special Agreement—Occupation—Proper Schedule for Assessment—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, Sched. A, No. vii, r. 2; Sched. B, Sched. D.*—A person hiring lands for the growing of crops under an agreement which, albeit for a short period, gives him such a right to the use of the land that he can maintain trespass against any person infringing that right is an "occupier" of the land within the meaning of the Income Tax Act, 1918, r. 2 of No. vii of Sched. A. As such he has the right to be assessed to income tax under Sched. B, in respect of the occupation, and, unless he so desires, is not liable to be assessed under Sched. D upon the profits arising from the growing and sale of the crops. His being an occupier of the land is not determined by the question whether he is or is not rated to the poor, nor is it negated by the fact that the person from whom he hires the land is also chargeable as an occupier under Sched. B.—*BACK v. DANIELS, C.A.*, 160; 1925, 1 K.B. 526.

9. *Income Tax—Profits made out of a Single Business Transaction—Profit or Gain of a Trade or Business—The Finance Act, 1918, Sched. D., Case I and Case VI.*—Where a person resident within the jurisdiction for business purposes makes one huge purchase of Government surplus stores and re-sells it by degrees at a profit, he can be assessed to income tax on the "profit or gain" of a trade or business under Sched. D of the Income Tax Acts in respect of the profit made out of the transaction.—*MARTIN v. LOWRY, K.B.D.*, 724.

10. *Income Tax—Salary of Employee paid Tax Free—Tax Paid by Employers and Allowed as Trade Expenses—Assessment of Employee under Sched. E—Tax Paid by Employers Added to Amount of Salary Received—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, Sched. E.*—Where a company, albeit voluntarily and without any contract or agreement to that effect, pays the income tax on the salary of an employee, the amount so paid as tax must be added to the amount paid as salary in order to ascertain the amount of the employee's income for purposes of assessment to income tax.—*HARTLAND v. DIGGINES, C.A.*, 141; 1925, 1 K.B. 372.

11. *Income Tax—Speculations in Cotton "Futures"—Profits—Assessability to Income Tax—Profits or Gains from Trade, Profession or Vocation—Income Tax Act, 1918, 8 & 9 Geo. V, c. 40, s. 237, Sched. D, Case VI.*—The appellants, two members of a firm of cotton merchants and brokers, on their own private account and without the participation of other members of the firm, made profits by speculation in American cotton contracts for future delivery (known as American "Futures"). There was no intention upon their part to accept or tender delivery of the cotton, the transactions being closed by a sale or purchase of equal amount before the date of delivery came due, and the difference in price being received or paid according to the success or failure of the speculation. Such transactions could be carried out through an accredited broker by any person, whether engaged in the cotton trade or not.

Held, that the appellants, in respect of these transactions, were engaged in "trade," within the meaning of s. 237 of the Income Tax Act, 1918, and were rightly assessed to income tax under Sched. D of that Act in respect of their "profits or gains."—*COOPER v. STUBBS, C.A.*, 743.

12. *Income Tax—Super Tax—Private Company—Profit-sharing Scheme—Assessment of Employers in Respect of Employees' Shares.*—Where the principal shareholder of a private company has a controlling interest in the company, and where he devises a profit-sharing scheme under the terms of which the employees of the company are to receive a certain number of shares in the company, which, however, until the happening of certain contingent future events, are to remain in the name and under the control of the principal shareholder, who is meanwhile to receive the dividends and exercise the voting rights in respect of these shares,

Held, that the principal shareholder in question must be deemed for the purposes of the Income Tax Acts to be in receipt of the profits and gains accruing from these shares, and is assessable in respect of the same to income tax and super-tax.—*INLAND REVENUE COMMISSIONERS v. PEARSON, K.B.D.*, 709.

13. *Income Tax—Trading Firm and Trading Company who Purchase Business of Firm—Mode of Assessing Vendor and Purchaser of Business to Income Tax—Income Tax Act 1918, Sched. D, r. 1 (2).*—Where a company succeeds a firm in the carrying on of the latter's business, which the company has been formed to acquire, and where the transfer of assets, business and accounts is so arranged that the firm has carried on business and made up accounts for ten month

only of a fiscal year, so that in the succeeding year the three years' average rule is not applicable in assessing the income for income tax purposes of the firm and company respectively. The proper method of assessment is to take the average over what is known as the "shorter antecedent period," namely, to ascertain the profits during the part of a year antecedent to the year of assessment, and expand these profits to their proportionate amount for a full year.

Burntisland Shipbuilding Company, Limited v. Weldhen, 8 Tax Cases 409, followed and applied.—*BETTS v. CLARE AND HEYWORTH, K.B.D.*, 708.

14. *Income Tax—Trustee—Remuneration Out of Profits of Fund—Annual Payment from which Income Tax Deducted by Trustees—Whether Properly Chargeable by direct Assessment—Remuneration arising from Employment—Income Tax Act, 1918, s. 40, Sched. D, Case II, All Schedules Rules, r. 19.*—The trustees of a settlement deducted income tax from the annual amount payable under the settlement to one of the trustees by way of remuneration. He appealed against assessments to income tax made on him under the provisions of Sched. D. of the Income Tax Acts in respect of this annual remuneration, on the footing that the annual sum represented remuneration for services.

Held, that the sum was not directly assessable on the recipient as remuneration for services, but that the trustees had rightly deducted income tax therefrom on the footing that it was an annual payment made out of profits or gains charged to tax within the meaning of the All Schedules Rules, r. 19 (1).—*BAKENDALE v. MURPHY, K.B.D.*, 12; 1924, 2 K.B., 494.

15. *Income Tax—Schedule D—Profits from Trade—Permitted Deductions—Large Sum paid out of Profits to Pension-Scheme—Capital Assets—Income Tax Act, 1918, s. 40, Sched. D—Rules applicable to Cases 1 and 2, 3 (a) (f).*—The respondents were desirous of initiating a pension fund for their staff upon a basis of contributions by employers and employed, the scheme being beneficial to the latter and for the advantage of the respondents' business. In order to make the fund solvent from its inception, they allocated to it out of their profits a sum of £31,784.

Held, that it was not permissible to deduct this sum from the respondents' profits assessable to income tax not being a sum "wholly and exclusively laid out or expended for the trade, profession, employment, or vocation" within the meaning of the Income Tax Act, 1918, Sched. D, Rule applicable to Cases 1 and 2, 3 (a), but rather "capital withdrawn from, or any sum employed or intended to be employed as capital in such trade, profession, employment or vocation" within the terms of clause (f) of the same rule.

Decision of Rowlatt, J., 68 SOL. J. 813, reversed.

Hancock v. General Reversionary and Investment Co. Ltd., 1919, 1 K.B. 25, distinguished.—*ATHERTON v. BRITISH INSULATED AND HEILBY CABLES, C.A.*, 103; 1925, 1 K.B. 421.

16. *Super Tax—Assessment—Shareholder in Company—Distribution of Profits in the Form of Debenture Stock—Capital or Income—No Receipt of Profits by Shareholder—Finance (1909-1910) Act, 1910, 10 Edw. 7, c. 8, s. 66.*—Where a company elects to distribute undivided profits to its shareholders in the form of debenture stock, an issue of such stock being made and allotted to shareholders in proportion to their holdings, the shareholder receiving the same is not liable to be assessed to super tax upon the value, actual or nominal, of that stock as part of his income. The shareholder, having no option to receive cash, is compelled to accept something in respect of which he is merely a creditor of the company, and therefore, for tax purposes, he is not a recipient of the company's profits.

Principle of Inland Revenue Commissioners v. Blott and Greenwood, 65 SOL. J. 642; 1921, 2 A.C. 171, followed.

Decision of Rowlatt, J., 68 SOL. J. 867, reversed.—*INLAND REVENUE COMMISSIONERS v. FISHER'S EXECUTORS, C.A.*, 103; 1925, 1 K.B. 451.

See also Club.

SETTLED LAND :—

Devise in Will to Trustees for Term—Trust to Pay off Mortgages out of Rents and Profits—Order of Court.—A testator having devised certain estates in four different counties to trustees for a term of 1,000 years upon trust to apply the rents and profits of the L estates in payment off of the mortgages on the other estates successively in a certain order, and then in payment off of the mortgages on the L estates.

Held, that an order made by Stirling, J., in 1895, was not to be construed as declaring that the trustees were bound in paying off mortgages on the L estates out of capital moneys to keep them alive so as to recoup the capital out of rents and profits and that the persons entitled as tenant

for life of the L estate, subject to the term, could direct otherwise, so as to cause the discharge of the mortgages to be a burden on the capital and not the income of the settled estates.—*Re STAMFORD AND WARRINGTON'S S.E.*, C.A. 589; 1925, 1 Ch. 162.

SHIPPING :—

1. *Affreightment—Charter-party—Construction—Readiness to Load—Refusal to Load—Cancellation of Charter-party.*—Where, under the terms of a charter-party, the charterers had an option to cancel if the vessel was not ready to load on the happening of certain conditions precedent; and where the vessel was in fact ready to load but had not given notice of readiness to load, within the time, and was not technically an "arrived" ship within the terms of the charter-party.

Held, that the charterers were not entitled to cancel the charter-party on the ground of an implied condition that the vessel must be an "arrived" ship.

Branson, J., reversed.—*ARTIEBOLAGET SORDISKA LLOYD v. BROWNLEE & Co., C.A.*, 661.

2. *Bill of Lading—Loss of Goods Shipped—Liability of Shipowner—Destination Changed by Mutual Consent—Deviation.*—A shipment of goods of the value of £2,873 was made from London to Odessa under a bill of lading subject to a large number of exceptions. Owing to delivery at Odessa being impracticable it was mutually agreed that the goods should partly be discharged at Constantinople and the remainder delivered to the plaintiff at Batum. No goods were discharged at Constantinople and though they were carried to Batum, there was no delivery there, but they were carried on to another port and ultimately lost.

Held, that there was a deviation of the voyage and the shipowners were not protected from liability by any exceptions in the bill of lading, but were liable as common carriers. *Lilley v. Doubleday*, 7 Q.B.D. 570, applied.

Appeal from a decision of *Rowlatt, J.*—*BUERGER v. CUNARD STEAMSHIP CO., C.A.*, 573.

3. *Charter-party—Demurrage—Commencement of Obligation to Load—"Subject to Port Regulations in Regular Turn"—Notice of Readiness to Load Given.*—A steamer was chartered to load coal at Deloogo Bay where there were no docks, and only one loading berth available. The charter-party provided that the cargo was to be loaded "subject to port regulations in regular turn as customary, at the rate of 1,000 tons a day" . . . commencing when written notice was given of steamer being ready to load. The steamer arrived and the master gave notice of readiness to load, but owing to congestion of the port, she was unable to reach the berth in her turn for twenty-six days.

Held, that the obligation to load meant to load in regular turn, and therefore, the risk of delay fell upon the shipowners, and, they were not entitled to claim demurrage for the period of waiting from the charterers.

"*The Cordelia*," 1909, P. 27, applied. *Decision of Rowlatt, J.*, reversed.—*UNITED STATES SHIPPING BOARD v. STRICK & Co., C.A.*, 309.

4. *Charter-party—Demurrage—Exceptions Clause—Delay by Reason of Obstructions on Railways—Export Prohibition—"Ca' Canny" Movement on Railways—Delay in Loading—Alternative Cargo.*—The appellants chartered a ship of which the respondents were the owners to go to the River Plate for a cargo of wheat, maize, or rye, to be loaded at a certain rate, otherwise demurrage to be paid, but if the cargo could not be loaded "by reason of obstructions . . . on the railways" no claim for demurrage was to be made, and in case of prohibition of the export of grain the charter was to be null and void. When the ship arrived at the port of loading the appellants intended to load wheat, but delay was occasioned in loading by labour troubles, both on the railways and in the port, including a "ca' canny" movement on one of the railways leading to the port, and a temporary prohibition against the export of wheat, the latter preventing the loading of wheat for about six days, after which the charterers loaded maize.

Held, (1) that the "ca' canny" movement on the railway was not an "obstruction" within the meaning of the charter, and therefore the appellants could not rely on the delay caused thereby as relieving them from the liability to pay demurrage. But, (2) having regard to the temporary prohibition, the appellants were entitled to wait for the six days while the prohibition lasted before loading maize, and they were not liable to pay demurrage during that period.

Decision of Bailhache, J., 39 T.L.R. 607, on the second point reversed.—*BRIGHTMAN v. BUNGE Y BORN LIMITADA, C.A.*, 162; 1924, 2 K.B. 619.

5. *Contract of Affreightment—Damage to Cargo—Unseaworthiness—Excepted Perils—Negligence of Ship's Servants—Damage Partly Caused by Excepted Perils—Damage Increased by Negligence.*—Where a ship goes to sea in an unseaworthy condition and damage is caused to the cargo as a direct consequence of the ship's unseaworthiness, and the ship's unseaworthiness is the dominant cause of the loss, although the loss may have been increased by an excepted peril, the shipowner cannot rely on the exception, but must pay the whole of the loss.

Decision of *Hill, J.*, 68 SOL. J. 388; 1924, P. 61, varied.—THE "CHRISTEL VINEN," C.A., 89; 1924, P. 208.

SPECIFIC PERFORMANCE :—

1. *Lease—Flat—Verbal Contract—Statute of Frauds—Part Performance.*—Where a landlord enters into a verbal agreement with a prospective tenant for the lease of a flat, and it is further agreed that certain alterations are to be made by the landlord, and while the alterations are being made, the tenant visits the flat and makes suggestions for further alterations, which are carried out by the landlord at the request of the tenant, and the tenant subsequently repudiates the verbal agreement, and pleads the Statute of Frauds.

Held, that there are sufficient acts of part performance to take the case out of the Statute of Frauds.

Dickinson v. Barrow, 1904, 2 Ch. 339, explained, and *Maddison v. Alderson*, 1883, 8 App. Cas. 467, considered.—*RAWLINSON v. AMES, Romer, J.*, 142; 1925, 1 Ch. 96.

2. *Parties "ad idem"—Subject to Suitable Agreements being Arranged between your Solicitor and Mine—Meaning of—Enforceability of Contract.*—The words "subject to suitable agreements being arranged between your solicitor and mine" are indistinguishable in their effect from such words as "subject to formal contract," "subject to contract," or "subject to proper contract to be prepared by the vendor's solicitor," and do not import a binding agreement between the parties.—*LOCKETT v. NORMAN-WRIGHT, Tomlin, J.*, 125; 1925, 1 Ch. 56.

See also *Vendor and Purchaser*.

TRADE MARK :—

Registration—Mark "Distinctive" Abroad but not in England—Application to Register—Intended Sale Abroad only—Registration in England to facilitate Foreign Registration—Trade Marks Act, 1905, 5 Edw. 7, c. 15, s. 9 (5).—In deciding whether a trade mark should be registered in England in order to facilitate the registration in foreign countries, where alone the goods bearing the mark are to be sold, and where the mark has acquired a distinctive character, the court will consider the question of the user abroad, and the distinctive character of the mark there, and will not confine itself to the sole issue as to whether the mark is or is not adapted to distinguish goods in this country.—*Re REDDAWAY & Co.'s TRADE MARK, C.A.*, 641.

VENDOR AND PURCHASER :—

1. *Leaseholds—Notice to Vendor to Repair—Conditions of Sale containing Liability of Purchaser to Repair—Non-disclosure of Notice—Material Fact—Specific Performance—Return of Deposit.*—It would be unjust to grant specific performance against a purchaser of leaseholds under a contract containing a condition rendering the purchaser liable to repair when the vendor had in fact received notice to repair, which he had not disclosed. To entitle a purchaser to return of his deposit a case for rescission of the contract must be made out.

In re Scott and Alvarez's Contract, 1895, 2 Ch. 603, applied.—*BEYFUS v. LODGE, Russell, J.*, 507; 1925, 1 Ch. 350.

2. *Specific Performance—Conditions of Sale—Contract Construed by Court differently from Plaintiff—Offer by Plaintiff to Perform Contract as Construed—Decree for Specific Performance with Variation.*—A group of buildings, sold as Lot 10 at an auction, consisted of two parts, with no internal communication between them, and a right of way to each part up different passages. The vendor of Lot 10 proposed to sell such lot to a purchaser, together with the rights of way thereto, "as the same are now or can be used or enjoyed," that is to say, with one right of way to one part, and the other right of way to the other part only of Lot 10. *Russell, J.*, held that the purchaser was right in his contention that he was entitled to use either right of way to any part of Lot 10, and, although the vendor was prepared to accept this construction, that he was not entitled to specific performance of a contract other than that he had sued on.

Held, on appeal, that there being a good contract the plaintiff was entitled to specific performance of it, and had

not forfeited his rights by misconstruing it. He was only entitled to this relief, however, upon the terms of paying the costs of the action.

Preston v. Luck, 27 Ch. D. 497, followed.—*BERNERS v. FLEMING, C.A.*, 507; 1925, 1 Ch. 264.

WAR :—

Enemy Partner Resident in Germany—Debts due to Partnership from British Debtors at outbreak of War—Dissolution after War—Assignment by Retiring Partner of Share to Continuing Partner.—So far as English law is concerned, one partner in a firm who purchases the share of an enemy partner therein during hostilities acquires no fresh right, and has no fresh remedy as a result of such purchase. Such enemy's interest in the concern still falls within the category of "property, rights and interests" subject to the charge created by s. 1 (xvi) of the Treaty of Peace Order for the purpose of giving effect to Art. 297 and by virtue of cl. 1 (xvii) (ccc) of the Treaty of Peace Orders, is payable to the administrator of German property.—*FRIED v. ADMINISTRATOR OF GERMAN PROPERTY, Tomlin, J.*, 707.

WILL :—

1. *Bequest of Shares in Company—Reorganization of Capital—Alteration of rights—Issue of Additional Fully Paid Shares—Effect on Bequest.*—Where it was provided as part of an arrangement for reorganization of the capital of a company that a new lot of shares should be issued, and that certain old shares should be converted into the new lot with reduced rights, and that "the holders of such old shares shall have issued to them in respect of each such old share an additional new share fully-paid out of the company's reserves."

Held, that a gift of certain of the old shares by description did not pass the additional shares, although the rights in respect of the old shares had been altered.

In re Slater, 1907, 1 Ch. 665, applied.—*Re KUYPERS, Tomlin, J.*, 366; 1925, 1 Ch. 244.

2. *Construction—Copyholds—Devise for Life with Remainder to "Heir-at-Law"—Rule in Shelley's Case—No Special Custom.*—A testator devised copyholds to his nephew for life with remainder to his "heir-at-law." There was no special custom of descent in the manor.

Held, that the copyholds were governed by the ordinary law of descent, and that the rule in *Shelley's Case* applied.—*Re HACK, Eve, J.*, 662.

3. *Construction—Death Duties—Legacies to be Free of Duty—Duties to be Paid out of Residue—Settled Legacies—Future Duties.*—*Prima facie*, a direction to pay legacies free of all duties and to pay the duties out of residue is restricted to pay off duty on property passing on the death of the testator. Unless, therefore, a contrary intention is clearly indicated by the testator, any future estate duty payable on the determination of future limited interests is payable out of the property the subject of the gifts.—*Re SARSON, Eve, J.*, 105; 1925, 1 Ch. 31.

4. *Construction—Direction to pay "Any Sums of Money Secured on Mortgage" out of the Residue—Freeholds purchased—Unpaid Purchase Money—Vendor's Lien—Real Estates Charges Act, 1854 (Locke King's Act), 17 & 18 Vict. c. 113—Real Estates Charges Act, 1867, 30 & 31 Vict. c. 69, ss. 1 and 2.*—A direction in a testator's will to pay and discharge "any sums of money secured on mortgage" of any of his freehold and leasehold estates out of residue does not entitle his trustees to pay the balance of unpaid purchase money on freehold properties purchased by him shortly before his death out of such residue. There are essential differences between a mortgage and a vendor's lien for unpaid purchase money, and the fact that the mortgagee and the unpaid vendor have the same remedies for enforcing payment (see *In re Stucley*, 1906, 1 Ch. 67) does not alter or affect the essential differences in character of the two transactions.—*Re BERNSTEIN, Lawrence, J.*, 88; 1925, 1 Ch. 12.

5. *Construction—Disposition by Reference to an Existing Document—Document Capable of Identification—Admissibility of Evidence.*—Where a testamentary instrument purports to incorporate an already existing document capable of identification, evidence is admissible for the purpose of identifying such document.—*University College of North Wales v. Taylor*, 1908, P. 140, applied.—*Re WHITE, Russell, J.*, 213; 1925, 1 Ch. 179.

6. *Construction—Meaning of "I Forgive all Debts owing to Me."*—Where a testator having large investments in debentures, debenture stock, mortgages, charges and loan stock by his codicil provided, "I forgive all debts owing to

me," such provision does not release the debentures, debenture stock, mortgage debts or loan stock, but only the debts owing to the testator in his personal character.—*Re NEVILLE, Tomlin, J.*, 125; 1925, 1 Ch. 44.

7. *Construction—Precatory Words or Imperative Trust—General Intention of Charity.*—A gift to A "who will at her death dispose of it in such charitable ways for good to result from my hard work in accumulating the property handed over for her use only and to do as she may wish in her lifetime" gives A only a life estate, and on her death, whether before or after the testator, the fund becomes applicable for charitable purposes and is not distributable as on an intestacy.—*In re James*, 1898, 1 Ch. 438, distinguished.—*In re Willis*, 1921, 1 Ch. 44, applied.—*Re CAMMELL, Lawrence, J.*, 345.

8. *Construction—"Servants, whether Indoor or Outdoor, and including any Estate Clerks or Staff on any of My Estates"—Gifts to—Resident Managers.*—The resident managers of two estates owned by the testator are not included in any of the words "servants, whether indoor or outdoor, and including any estate clerks or staff on any of my estates" for the purposes of the testator's bounty.—*In re Countess of Rosse*, 1923, W.N. 148, distinguished.—*Re EARL BROWNLOW, Russell, J.*, 176.

9. *Construction—Specific Devise—"Proceeds of Sale of such Parts of the said Estate as have been Sold"—Wills Act, 1837, s. 24.*—The will of a testator devised to his wife a certain estate and the "proceeds of sale of such parts of the said estate as have been sold." Other parts of the said estate were sold after the date of the will by the testator.

Held, that the gift to the wife included the proceeds of sale of all the parts of the estate, which had been sold by the testator between the date of his will and the date of his death.—*In re Horton*, 1920, 2 Ch. 1, applied.

Held, further, that no contrary intention within the meaning of s. 24 of the Wills Act, 1837, appeared.—*In re Evans*, 1909, 1 Ch. 784, followed.—*Re DAVIES, Lawrence, J.*, 744.

10. *Failure of Residuary Bequest—No Next of Kin—Crown taking as Bona Vacantia—Executors Act, 1830.*—By his will a testator appointed his wife and the plaintiff executors and gave all his real and personal estate to his wife absolutely. His wife predeceased the testator, who left no heir nor next of kin.

Held, that the Crown took as *bona vacantia*.—*Re JONES, Eve, J.*, 460; 1925, 1 Ch. 340.

11. *General Power of Appointment—Foreign Will—Bequest therein Contained—Exercise of Power—Wills Act, 1837, 1 Vict., c. 26, s. 27.*—Section 27 of the Wills Act, 1837, does apply to exercise a general power of appointment by virtue of a valid general bequest in a will executed in accordance with German law and also admissible to probate in England, but not properly executed according to English law.—*In re D'Ester's Settlement Trusts*, 1903, 1 Ch. 898, and *In re Scholefield*, 1905, 2 Ch. 408, not applied.—*In re Simpson*, 1916, 1 Ch. 502, *In re Wilkinson's Settlement*, 1917, 1 Ch. 620, and *In re Leat's Settlement Trusts*, 1918, 2 Ch. 391, applied.—*Re STRONG, Russell, J.*, 693.

12. *Leaseholds—Settlement of—Overriding Trust to Pay the Rents and Perform the Covenants—Receipt of Rents by Equitable Tenant for Life after Death of Last Surviving Trustee with Knowledge of Overriding Trust—Repairing Covenants—Liability of Tenant for Life to Perform—Benefit—Burthen.*—A tenant for life entering into receipt of the rents and profits of a leasehold property with full knowledge of an overriding trust to perform the covenants in the lease, which trust was reposed in the trustees of the leasehold property, assumes on the death of the surviving trustee the duties of the trustees and comes under a direct obligation to perform them as a condition precedent to her taking the benefits conferred upon her, and the proper remedy of the remainderman after the death of a tenant for life who had not performed the covenants of the lease is to sue the estate of the tenant for life for damages for non-performance of her obligations and not to appoint new trustees and compel them to carry out the trusts.—*Re FIELD, Lawrence, J.*, 661.

13. *Mutual Wills—Husband and Wife—Each Taking Absolute Interest—Identical Provisions—No Agreement not to Revoke—No Binding Trust.*—A husband and wife agreed to make mutual wills in substantially identical terms, but there was no evidence of any further agreement. The husband died first without revoking his will, and under it the wife took possession of her husband's property absolutely. She then married again and made a new will in favour of new beneficiaries. In an action by a person claiming under the wife's mutual will,

Held, that there was no sufficient evidence of an agreement that the will of the survivor was to be irrevocable, and therefore the action failed.—*Dufour v. Pereira*, 1 Dick., 419, distinguished.—*Re OLDHAM, Asbury, J.*, 193; 1925, 1 Ch. 75.

WORKMEN'S COMPENSATION :—

1. *Compensation Payable under Agreement—Application by Employers for Review and Diminution—Evidence of Complete Recovery—Order for Termination—No Jurisdiction—Workmen's Compensation Act, 1906, 6 Edw. 7, c. 58, Sched. I. (16).*—On an application by employers for the review and diminution of a weekly payment of compensation to a workman, there is no jurisdiction to make an order finally terminating it, even though the evidence is sufficient to justify termination if asked for. The proper course in such a case is to reduce the compensation to a nominal amount.—*WILSON LOVATT & SONS v. JOHNSON, C.A.*, 675.

2. *Compensation paid without Recorded Agreement or Award—Medical Certificate that Workman has recovered—Notice to Workman of Certificate and Intention to end Weekly Payments—No steps taken by Workman in answer to Notice—His subsequent Right to Arbitration.*—Where a workman ignores the notice of the employer given under s. 14 of the Act of 1923, and takes no steps to obtain a certificate disagreeing with that of the employer, he does not thereby lose his right to claim arbitration, and this is the case even where the weekly payments have been paid voluntarily without any recorded agreement or award.—*PUDNEY v. WILLIAM FRANCE FENWICK & Co., C.A.*, 139; 1925, 1 K.B. 346.

3. *Course of Employment—Street Accident to Postman—Collection of Letters—Riding Bicycle from Home to Pillar Box—Injury causing Death.*—A postman, whose first duty for the day was to collect letters at a letter box, started from his home on his bicycle, wearing uniform and carrying his letter bag and keys of box. On the way he came into collision with a motor car and was killed.

Held, that the employment had not commenced when the accident happened, and therefore his widow was not entitled to compensation.—*EVANS v. POSTMASTER-GENERAL, C.A.*, 9.

4. *Dependency—Compensation Claimed by Father for Death of Son—Boy employed in Coal Mine—Wages Contributed to Family Purse—Question of Fact—Judicial Knowledge of Local Standard of Living—Workmen's Compensation Act, 1906, 6 Edw. 7, c. 58, s. 13—Workmen's Compensation Act, 1923, 13 & 14 Geo. c. 42, s. 22.*—Whether a father is partially dependent upon the earnings of his son, a boy living with him and contributing to the common purse maintaining the family, is a question of fact to be decided after taking into consideration all the circumstances of the case. Where, therefore, in two similar cases, one judge had awarded compensation to a father, and another had found that dependency was not proved, both appeals were dismissed. The Workmen's Compensation Act, 1923, s. 22, has not altered the law, but affirmed it as stated in *Simmons v. White Brothers*, 1899, 1 Q.B. 1005.—*PEARCE v. BOLCKOW VAUGHAN & Co., C.A.*, 123; 1915, 1 K.B. 399.

5. *Dependents—Illegitimate Grandchild—Increase of Compensation in respect of "Child or Children"—"Member of the Workman's Family"—Workmen's Compensation Act, 1906, 6 Edw. 7, c. 58, s. 13—Workmen's Compensation Act, 1923, 13 & 14 Geo. 5, c. 42, s. 2.*—Where a workman has been killed in an accident, the additional compensation conferred by s. 2 of the Workmen's Compensation Act, 1923, may be claimed in respect of his dependent illegitimate children or grandchildren.—*PRITCHARD v. BETTISFIELD COLLIERY Co., C.A.*, 640.

6. *Industrial Disease—Claim for Compensation from last Employers—No Appeal by Them against Certificate—Subsequent joinder of previous Employers—Allegation that Disease contracted in previous Employment—Claim by previous Employers to appeal against Certificate—Workmen's Compensation Act, 1906, 6 Edw. 7, c. 58, s. 8, s-s. (1) (c), provisoes (ii) (iii).—Section 8, s-s. (1) (c), provisoes (ii) and (iii), of the Workmen's Compensation Act, 1906, provides that where a workman obtains a certificate that he is suffering from an industrial disease, and claims compensation from the last employer, the latter may join as party to the arbitration a previous employer in whose service he alleges that the disease was contracted, or may obtain contribution from previous employers who, during the preceding twelve months, employed the workman in an employment to the nature of which the disease was due. This means that the right given by s. 8, s-s. (1) (f), to appeal*

to a medical referee against the certificate is a right given only to the employer cited, and the employer subsequently joined, or from whom the employer cited seeks to obtain contribution, has no such right.—*ANDERTON v. MARKHAM AND CO., C.A.*, 88.

7. *Industrial Disease—Miner—Subcutaneous Cellulitis—Wife's Unskilful Treatment—Subsequent Operation without Knowledge of Treatment—Death from Tetanus Poisoning—No break in Chain of Causation.*—A miner was incapacitated by subcutaneous cellulitis over the patella. His wife applied a poultice of cow manure to the knee. The doctor, without any knowledge of this treatment, lanced the knee, with the result that the workman died of tetanus poisoning. The employers set up a defence of *novus actus interveniens*.

Held, that there was no break in the chain of causation, and therefore death resulted from the disease, though in an unusual way.—*WILLIAMS v. CRAIGOLA MERTHYR CO., C.A.*, 9.

8. *Prohibited Act—Act done "for the purposes of and in Connection with his Employer's Trade or Business"—Act Outside Scope of Employment—Workmen's Compensation Acts, 1906 and 1923.*—Under s. 7 of the Workmen's Compensation Act, 1923, which enables compensation to be recovered for a serious accident arising even out of an

unauthorized or prohibited act of the workman, the act done must be in the course of the workman's employment, and the section does not apply to an act which, although in connection with the employer's trade or business, was not part of the workman's employment, was done at the workman's own home, and at a time when the employer could have no control over his services.—*BORLEY v. OCKENDEN, C.A.*, 365.

9. *War Additions—Total Incapacity—Only Partial at Passing of the Act—Then Remaining Total—Workmen's Compensation Act, 1923.*—A totally incapacitated workman is entitled to war additions, even though he is only partially incapacitated at the passing of the Act of 1923, if at any time afterwards he becomes again totally incapacitated.—*GLASGOW IRON AND STEEL CO. v. DICKSON, H.L.*, 743.

10. *Workman Employed in England by Foreign Employer—Compensation—Jurisdiction—Service of Notice Abroad by Registered Post.*—Where a foreign employer employs a British workman in this country, the court has jurisdiction to make an award for compensation for an injury sustained in the course of the employment. Notice of the claim served upon the foreign employer abroad by registered post will be good service.—*HUNTER v. STADTISCHE, &C., GESSELLSCHAFT, C.A.*, 707.

Statutes

ENACTED IN THE SESSION OF PARLIAMENT, 1925.

15 Geo. 5.

CHAPTER 1.

EXPIRING LAWS CONTINUANCE ACT, 1924.

An Act to continue certain expiring laws. [18th December, 1924.]

Whereas the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire as respects the Acts mentioned in Parts I and II of that schedule on the thirty-first day of December, nineteen hundred and twenty-four, and the fifteenth day of February, nineteen hundred and twenty-five respectively, and as respects the Acts mentioned in Part III of that schedule on the thirty-first day of March, nineteen hundred and twenty-five:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. *Continuance of Acts in Schedule.*—(1) The Acts mentioned in Parts I. and II. of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-five, and shall then expire, unless further continued.

(2) The Acts mentioned in Part III of the Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-six, and shall then expire, unless further continued.

(3) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not:

Provided that nothing in this sub-section shall be deemed to continue the Agricultural Rates Act, 1923.

2. *Short title and application to Ireland.*—(1) This Act may be cited as the Expiring Laws Continuance Act, 1924.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act - -	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7. c. 37. 6 Edw. 7. c. 37. 7 Edw. 7. c. 44. 9 Edw. 7. c. 42. 1 & 2 Geo. 5. c. 19. 4 & 5 Geo. 5. c. 32. 8 & 9 Geo. 5. c. 20. 9 & 10 Geo. 5. c. 55.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act - -	2 & 3 Geo. 5. c. 10
(3) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act - -	—
(4) 7 Edw. 7. c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, section two.	—

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(5) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912	The whole Act - -	10 & 11 Geo. 5. c. 50.
(6) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—
(7) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 & 11 Geo. 5. c. 5. 13 & 14 Geo. 5. c. 8.
(8) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (a); sections six, seven, nine, and twelve; Section thirteen, except subsections (4), (5) and (6); Sections fourteen, twenty-one and twenty-two, and sub-section (1) of section twenty-four.	11 & 12 Geo. 5. c. 12.
(9) 6 & 7 Geo. 5. c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act - -	11 & 12 Geo. 5. c. 12.
(10) 7 & 8 Geo. 5. c. 19.	The Coroners (Emergency Provisions) Act, 1917.	The whole Act - -	12 & 13 Geo. 5. c. 2.
(11) 8 & 9 Geo. 5. c. 23.	The Juries Act, 1918	Section seven - -	12 & 13 Geo. 5. c. 2.
(12) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5. c. 14
(13) 9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section twenty-five.	—
(14) 9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section twenty-two.	—
(15) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	—
(16) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5. c. 52
(17) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making or revoking in whole or in part, of Parts I. and III. of the Sale of Food Order, 1921 and provides for the enforcement and imposes penalties for the breach thereof.	—
(18) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(19) 10 & 11 Geo. 5. c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act - -	11 & 12 Geo. 5. c. 60
(20) 11 & 12 Geo. 5. c. 66.	The National Health Insurance (Prolongation of Insurance) Act, 1921.	The whole Act.	—
(21) 12 & 13 Geo. 5. c. 22.	The Summer Time Act, 1922.	The whole Act.	—

PART II.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(22) 10 & 11 Geo. 5. c. 21.	The Harbours Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act - -	12 & 13 Geo. 5. c. 23

PART III.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(23) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act - -	2 Edw. 7. c. 42. 7 Edw. 7. c. 13.
(24) 59 & 60 Vict. c. 37.	The Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act - -	60 & 61 Vict. c. 53. 7 Edw. 7. c. 13. 1 & 2 Geo. 5. c. 40.

CHAPTER 2.

CANALS (CONTINUANCE OF CHARGING POWERS) ACT, 1924.

An Act to provide for the continuance of charging powers in respect of canal or inland navigation undertakings of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919.

[18th December, 1924.]

1. *Extension of period during which charging powers may be continued.* 9 & 10 Geo. 5. c. 50. 12 & 13 Geo. 5. c. 27.]—(1) In the case of canal or inland navigation undertakings of which possession was retained or taken by the Minister of Transport under the powers contained in section three of the Ministry of Transport Act, 1919, paragraph (c) of sub-section (1) of that section as amended by sub-section (1) of section one of the Canals (Continuance of Charging Powers) Act, 1922, (in this Act referred to as the principal Act), shall have effect as if the date of the expiration of this Act were substituted for the fifteenth day of February, nineteen hundred and twenty-five.

(2) Sub-sections (2) and (3) of section one of the principal Act shall continue in force as long as this Act continues in force, and the Rates Advisory Committee constituted under section twenty-one of the Ministry of Transport Act, 1919, shall continue in existence so long as may be necessary for the purposes of references under the said sub-section (2).

2. *Short title, construction, citation and duration.*—(1) This Act may be cited as the Canals (Continuance of Charging Powers) Act, 1924, and shall be construed as one with the principal Act, and the principal Act and this Act may be cited together as the Canals (Continuance of Charging Powers) Acts, 1922 and 1924.

(2) This Act shall continue in force until the fifteenth day of February, nineteen hundred and twenty-six, and shall then expire.

CHAPTER 3.

IRISH FREE STATE LAND PURCHASE (LOAN GUARANTEE) ACT, 1924.

An Act to authorise the Treasury to guarantee a loan to be raised by the Government of the Irish Free State for the purposes of Land Purchase in that State.

[18th December, 1924.]

1. *Power to Treasury to guarantee loan.*—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit, the payment of the principal of, and the interest (at a rate not exceeding four and one-half per cent. per annum) on, any loan issued by the Government of the Irish Free State for the purposes of Land Purchase in the Irish Free State, but so that the securities so guaranteed do not in the aggregate exceed thirty million pounds sterling in nominal amount and are issued within a period of eight years from the passing of this Act.

(2) A guarantee shall not be given in pursuance of this Act until the Parliament of the Irish Free State have provided to the satisfaction of the Treasury and the Secretary of State—

(a) for issuing and duly applying the loan for the purposes aforesaid;

(b) for the establishment and regulation of a sinking fund for the purpose of the redemption at par of the securities so to be guaranteed within a period of eighty years from the passing of this Act;

(c) for charging on the Central Fund of the Irish Free State, and on any special funds established for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal of and the interest on the securities so to be guaranteed, and any sinking fund payments for the repayment of the principal of such securities;

(d) for charging on the Central Fund of the Irish Free State immediately after the last mentioned charge thereon, the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee given under this Act, with interest thereon at such rate as may be agreed on by the Treasury and the Minister for Finance of the Irish Free State and, in default of such agreement, at the rate of five per cent. per annum;

(e) for raising or securing the raising of sufficient money to meet the above charges.

(3) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consoli-

dated Fund or the growing produce thereof, and any sums paid on account of the repayment of the amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(4) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after any such guarantee is given or any sum is so issued.

2. *Short title.*—This Act may be cited as the Irish Free State Land Purchase (Loan Guarantee) Act, 1924.

CHAPTER 4.

LAW OF PROPERTY ACT (POSTPONEMENT) ACT, 1924.

An Act to postpone the coming into operation of the Law of Property Act, 1922, until the first day of January, nineteen hundred and twenty-six.

[18th December, 1924.]

1. *Postponement of commencement of 12 & 13 Geo. 5. c. 16.*—The first day of January, nineteen hundred and twenty-six, shall be substituted for the first day of January, nineteen hundred and twenty-five, as the date on which the Law of Property Act, 1922, is to come into operation.

2. *Short title.*—This Act may be cited as the Law of Property Act (Postponement) Act, 1924.

CHAPTER 5.

LAW OF PROPERTY (AMENDMENT) ACT, 1924.

CHAPTER 6.

WAR CHARGES (VALIDITY) ACT, 1925.

An Act to make valid certain charges imposed and levies made during the late War.

[5th March, 1925.]

1. *Validity of certain War charges and levies.*—Subject as hereinafter provided, the imposition of the charges specified in the Schedule to this Act, and the levying of the sums thereby charged shall be, and shall be deemed always to have been, valid in law, and accordingly—

(a) any sum so charged on any person but not levied or paid before the commencement of this Act may be recovered as a debt due to His Majesty; and

(b) no proceedings whatsoever shall be instituted by any person in any court of law or before any other tribunal whatsoever for the repayment to him of any sums so levied as aforesaid, or for compensation in respect of the making of any such levy, and if any such proceedings have been instituted before the date of the passing of this Act, they shall be discharged and made void, and any judgment of any court or tribunal obtained after the eighteenth day of December, nineteen hundred and twenty-four, in any such proceedings shall be void.

Provided that where any such proceedings (not being proceedings the institution of which was barred by the Indemnity Act, 1920, or any other Act) were instituted before the nineteenth day of December, nineteen hundred and twenty-four, and are pending at the date of the passing of this Act, the person by whom the proceedings were instituted shall, unless the court or a judge of the court or the tribunal dealing with the case thinks just to order otherwise, be entitled to an order directing payment, and, if necessary, taxation as between solicitor and own client, of his costs, charges, and expenses of and incidental to the proceedings, other than any such costs, charges, or expenses incurred after the eighteenth day of December, nineteen hundred and twenty-four.

2. *Short title.*—This Act may be cited as the War Charges (Validity) Act, 1925.

SCHEDULE.

PARTICULARS OF CHARGES.

1. Charges imposed by the Food Controller on licences—

(a) under the Flour and Bread (Prices) Order, 1917, the Flour and Bread (Prices) Order, 1920, and amending Orders to obtain flour for purposes other than the baking of bread, cakes or biscuits for retail sale;

(b) under the Wheat (Channel Islands and Isle of Man Export) Order, 1917, to export wheat to the Channel Islands and the Isle of Man;

(c) authorising the brewing of additional beer for munition and agricultural workers;

(d) authorising the dealing in and the inter-zonal movement of potatoes.

2. Charges imposed by the Food Controller—

(a) on dealers in and retailers of flour in connection with the Bread Subsidy Reduction Schemes;

(b) on brokers in respect of the increased value of hides sold to them at fixed prices;

(c) under the Imported Meat (Requisition) Order, 1919;

(d) under the Cattle (Feeding Stuffs) Scheme.

3. Charges made in connection with the control of the supplies of cotton.
4. Charges imposed by the Board of Trade on licences to import or export goods contrary to prohibitions.
5. Charges imposed by the Hop Controller on licences to import foreign hops.
6. Charges imposed by the Ministry of Munitions in connection with the export of steel and pig iron and permits to increase stocks of steel.
7. Charges imposed by the Ministry of Shipping on licences to transfer ships to a foreign flag.
8. Charges imposed by the War Office and the Ministry of Munitions on—
 - (a) tanners in respect of leather made from home grown hides;
 - (b) licences to import upper and sole leather purchased abroad before 23rd February, 1917;
 - (c) licences to export stocks of rough leather.
9. Charges imposed by the Ministry of Munitions on licences to export glycerine.

CHAPTER 7.

WILLIAM PRESTON INDEMNITY ACT, 1925.

An Act to indemnify and relieve William Preston, Esquire, from any penal consequences which he may have incurred or suffered by sitting or voting as a member of the House of Commons during a time when he was executing, holding or enjoying a contract, agreement or commission made or entered into with the Postmaster-General, and for purposes incidental thereto. [5th March, 1925.]

1. *Indemnification of William Preston, Esquire.*—William Preston Esquire, shall be and is hereby indemnified, freed, and discharged from and against all forfeitures, incapacities, or other penal consequences whatsoever (if any) already incurred by him by sitting or voting as a member of the House of Commons during a time when he was executing, holding or enjoying a contract, agreement or commission made or entered into with the Postmaster-General.

2. *Short title.*—This Act may be cited as the William Preston Indemnity Act, 1925.

CHAPTER 8.

CONSOLIDATED FUND (No. 1) ACT, 1925.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and twenty-five, and one thousand nine hundred and twenty-six. [27th March, 1925.]

1. *Issue of £8,137,227 out of the Consolidated Fund for the service of the year ended 31st March, 1925.*—The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-five, the sum of eight million one hundred and thirty-seven thousand two hundred and twenty-seven pounds.

2. *Issue of £163,314,200 out of the Consolidated Fund for the service of the year ending 31st March, 1926.*—The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, the sum of one hundred and sixty-three million three hundred and fourteen thousand and two hundred pounds.

3. *Power for the Treasury to borrow.*—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole one hundred and seventy-one million four hundred and fifty-one thousand four hundred and twenty-seven pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and twenty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those Bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

4. *Short title.*—This Act may be cited as the Consolidated Fund (No. 1) Act, 1925.

CHAPTER 9.

ANGLO-ITALIAN TREATY (EAST AFRICAN TERRITORIES) ACT, 1925.

An Act to approve a Treaty between His Majesty and the King of Italy. [27th March, 1925.]

Whereas His Majesty the King and His Majesty the King of Italy have concluded the Treaty set out in the Schedule to this Act:

And whereas the said Treaty has not yet been ratified:

And whereas it is expedient that the approval of Parliament should be given to the said Treaty:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Assent to Treaty.*—The approval of Parliament is hereby given to the said Treaty, and it shall be lawful for His Majesty to make such Orders in Council and to do all such things as appear to him to be necessary or proper for carrying the said Treaty into effect.

2. *Short title.*—This Act may be cited as the Anglo-Italian Treaty (East African Territories) Act, 1925.

SCHEDULE.

TREATY BETWEEN THE UNITED KINGDOM AND ITALY REGULATING CERTAIN QUESTIONS CONCERNING THE BOUNDARIES OF THEIR RESPECTIVE TERRITORIES IN EAST AFRICA.

Signed at London, July 15, 1924.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Italy, desiring to regulate, in a spirit of good will, certain questions concerning the boundaries of their respective territories in East Africa, have named as their plenipotentiaries:

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:

The Right Honourable James Ramsay MacDonald, M.P., His Prime Minister and Principal Secretary of State for Foreign Affairs:

AND HIS MAJESTY THE KING OF ITALY:

His Excellency Il Marchese della Torretta dei Principi di Lampedusa, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James:

Who, having exhibited their respective full powers found in good and due form, have agreed as follows:—

ARTICLE 1.

His Britannic Majesty, in his own name and on his own behalf and by virtue of his protectorate over Zanzibar in the name and on behalf of His Highness the Sultan of Zanzibar, so far as the latter may be concerned, transfers to His Majesty the King of Italy all sovereign rights and title over that portion of African territory lying between the present Italian colony of Southern Somaliland and a new boundary line to be determined as follows:—

From the confluence of the rivers Ganale and Dawa, along the course of the Dawa up-stream to the southern point of the small southerly bend of the latter river in the vicinity of Malka Ré; thence in a south-westerly direction in a straight line to the centre of the pool of Dumasa; thence in a south-westerly direction in a straight line towards Eilla Kalla (which remains in British territory) to such meridian east of Greenwich as shall leave in Italian territory the well of El Beru; thence along the same meridian southwards until it reaches the boundary between the provinces of Jubaland and Tanaland; thence along that provincial boundary to a point due north of the point on the coast due west of the southernmost of the four islets in the immediate vicinity of Ras Kiambone (Dick's Head); thence due southwards to such point on the coast. Ras Kiambone (Dick's Head) and the four islets above mentioned shall fall within the territory to be transferred to Italy.

In the event, however, of it being found by the Commission referred to in Article 12 that the well of El Beru does not contain water either sufficient or suitable for the maintenance at that point of an Italian frontier post, then the line, as between El Beru and Eilla Kalla, shall be so drawn by the Commission as to include in Italian territory the neighbouring well of El Shama.

ARTICLE 2.

The above boundary is shown on the attached map, and all references in the above description of the boundary are to this map.

In the event of differences between the text and the map, the text will prevail.

ARTICLE 3.

The Italian Government agree to the cancellation of the Treaty of Commerce between Italy and Zanzibar of the 23rd May 1885.

In accordance with the provisions of the Convention of Saint-Germain-en-Laye of the 10th September 1919, Italian subjects in the protectorate of Zanzibar shall enjoy the same rights and privileges and receive the same treatment as British subjects.

ARTICLE 4.

The Italian Government shall indemnify the Government of His Highness the Sultan of Zanzibar for any loss of net revenue arising out of the present transfer of territory, and shall pay to the latter, as an indemnity which shall in no wise represent a tribute implying any survival of sovereignty, the annual sum of £1,000, representing the proportionate share of the annuity which has hitherto been paid by the British Government to the Government of Zanzibar.

The Italian Government shall be entitled at any time to effect the discharge of any obligation undertaken under the preceding paragraph by means of the payment of a lump sum of £25,000 to the Government of His Highness the Sultan of Zanzibar.

ARTICLE 5.

The Italian Government undertakes that, if it shall at any time desire to abandon all or any part of the territory transferred to it as above, it shall offer the same to the British Government upon such terms as may be just.

In the event of any differences between the two Governments as to the terms of transfer, the question shall be referred to arbitration in accordance with such procedure as the Council of the League of Nations may prescribe.

ARTICLE 6.

British subjects, other than those persons who have become British subjects by the annexation of the colony of Kenya, ordinarily resident at the date of the coming into force of the present convention in the territory transferred under Article 1, shall, unless within six months of the coming into force of the present convention they opt for Italian nationality, retain their British nationality without being called upon to withdraw from the said territory or to part with their property. In the event of their not opting for Italian nationality and of their desiring to withdraw from the transferred territory, they shall be at liberty to do so within twelve months from the coming into force of the present convention.

British-protected persons and British subjects who have become such by the annexation of the Colony of Kenya, ordinarily resident in the transferred territory, will acquire Italian nationality and cease to be British-protected persons and British subjects respectively. Provided, however, that such persons, not being Somalis, or belonging to the native races of the area transferred, shall have the right to retain their existing nationality on condition that they withdraw from the transferred territory within twelve months from the coming into force of the present convention.

The same right is conferred on such a number of Somalis who are separated from their families by the new frontier as the wells and pasturage in the territory defined in the Annex to this Article can support, having regard to the present and reasonable future requirements of the tribes or sections of tribes already there, provided that such persons must be individually registered before they are allowed to cross into British territory. The commission referred to in Article 12 shall decide as to the capacity in this respect of the said wells and pasturages and as to the number of the persons who may avail themselves of this right.

Persons who withdraw from the transferred territory under this Article shall be entitled to carry with them their movable property of every description without payment of export duties of any kind. They shall not in respect of such property be subject to import duties of any kind in the Colony of Kenya. They shall be entitled to retain their immovable property in the transferred territory.

Annex.

The territory lying within a straight line from the Lorian Swamp to Saddi: a straight line from Saddi to El Beru: the line defined in Article 1 from El Beru to its junction with the Tanaland-Jubaland frontier: and a straight line from the said junction to the Lorian Swamp.

ARTICLE 7.

All concessions or rights to properties in the above territories which have been recognised as valid by the former Government, and are held by private persons or corporations at the date of the transfer of those territories, shall be recognised as valid by the Italian Government, to whom shall be transferred all rights and obligations of the former Government under the said concessions.

It is agreed that the concessions and property rights shall be exercised in accordance with the general laws and regulations in force in the Italian colony of Italian Somaliland, and that the Italian Government may impose on the concessionaires and proprietors all limitations necessary for the execution of works of general utility, upon granting to such persons the same compensation or indemnity as that to which Italian subjects would be entitled in similar cases.

ARTICLE 8.

All treaties, conventions and agreements between the Government of His Britannic Majesty and the Government of His Majesty the King of Italy, applicable to the Italian colony of Italian Somaliland, and at present in force, shall be extended to the territory now transferred in accordance with the present agreement.

ARTICLE 9.

The two Governments undertake that they will respectively endeavour to prevent any migration of Somalis or other natives across the frontier defined in Article 1.

If, however, the inquiries of the Commission referred to in Article 12 show that in the neighbourhood of the sector of the new frontier running from El Beru to the Jubaland—Tanaland boundary there exists a shortage of pasture for the tribes situated on the Italian side of the frontier, and if these inquiries also show that during the rainy season there is on the British side of that sector and in the region bounded on the east by the new frontier and on the west by the line Goochi-Ribba-El-Tulli-Lakola-Toor-Guda-Ramaguda more pasturage available than is required for the tribes in British territory, then the Commission will have power to decide that for a certain period, not less than five years, Somalis or other natives of the transferred territory may during the rainy season cross the boundary to such a distance and in such numbers as the Commission may prescribe, it being understood that in no case shall such Somalis or natives be allowed to pass to the west of the line Goochi-Ribba-El-Tulli-Lakola-Toor-Guda-Ramaguda. The decisions of the Commission shall be carried into effect by the authorities concerned, and at the end of the period so prescribed the position will be reconsidered in a friendly spirit in the light of the experience gained and of the requirements at that time of the tribes in British territory.

ARTICLE 10.

The two Governments shall come to the necessary agreements with regard to the special conditions of time and place for evacuation by the British troops of the territory to be transferred and the entry of Italian troops; they shall settle in consultation with the local authorities the conditions of transfer to the Italian Government of the Government buildings existing within the territory which the latter may wish to acquire from the British Government and of the wireless telegraph installation at Kismayu.

The Italian Government agrees to respect the rights of Sudanese pensioners remaining at Yonte, in accordance with the general laws and regulations of the Italian colony of Southern Somaliland, and to make provision for the up-keep of the cemetery at Kismayu and the Jenner memorial.

ARTICLE 11.

The two Governments agree to consult together with a view to framing and putting into force reciprocal measures for the control of the illicit ivory traffic across the frontier defined in Article 1 of the present convention.

ARTICLE 12.

The manner in which the present agreement shall be carried out shall be settled on the spot by a commission composed of British and Italian officials appointed for the purpose by the two Governments. Until the whole boundary shall have been demarcated by an accurate survey, the officials thus appointed shall be empowered to decide, provided an agreement can be reached, under which Government water holes of local importance situate near the boundary shall come.

In the event of an agreement not being found possible, the points in dispute shall be settled by an accurate survey in accordance with the line described in Article 1.

The present convention shall be ratified, and the ratifications exchanged in London as soon as possible.

In witness whereof the undersigned have signed the present convention, and have affixed thereto their seals.

Done in duplicate at London, the 15th day of July 1924.

(L.S.) J. RAMSAY MACDONALD.
(L.S.) TORRETTA.

CHAPTER 10.

AGRICULTURAL RATES (ADDITIONAL GRANT)
CONTINUANCE ACT, 1925.

An Act to continue in force for one year the Agricultural Rates Act, 1923, to continue for so long as the said Act remains in force the charge on the Consolidated Fund of the additional annual grants payable thereunder, and to amend the said Act in its application to the Isles of Scilly. [27th March, 1925.]

1. *Continuance of 13 & 14 Geo. 5, c. 39.*—(1) The provisions of the Agricultural Rates Act, 1923, other than section fifteen thereof, shall, unless Parliament otherwise determines, continue in force until the thirty-first day of March, nineteen hundred and twenty-six.

(2) The said section fifteen (which charges on the Consolidated Fund of the United Kingdom or the growing produce thereof the additional annual grants payable under the said Act), shall continue in force for so long as the said Act, whether by virtue of this or of any subsequent Act, continues in force.

2. *Amendment as to application of Act to Scilly Islands.*—(1) The Minister of Health, in estimating from time to time for the purposes of section three of the Agricultural Rates Act, 1923, the deficiency arising by reason of the provisions of that Act in the produce of the rates made by the Council of the Isles of Scilly, shall include therein any deficiency arising as aforesaid in the produce to such part of any

rate made in the said Isles as appears to the Minister to have been levied for the purpose of meeting expenditure in connection with the relief of the poor in the said Isles.

(2) This section shall be deemed to have had effect as from the thirtieth day of September, nineteen hundred and twenty-four.

3. *Short title.*—This Act may be cited as the Agricultural Rates (Additional Grant) Continuance Act, 1925.

CHAPTER 11.

BOROUGH COUNCILLORS (ALTERATION OF NUMBER) ACT, 1925.

An Act to make provision with respect to the number of councillors of boroughs, and metropolitan boroughs, and matters incidental thereto. [27th March, 1925.]

1. *Alteration of number of councillors of boroughs.*—The powers of dividing boroughs into wards and altering wards conferred by section thirty of the Municipal Corporations Act, 1882, as amended by the Municipal Corporations Act, 1893, shall be extended so as to include power to alter the number of councillors of a borough and in the case of a borough divided into wards, to apportion or alter the apportionment of the councillors among the wards, and accordingly a petition may be presented by the council of a borough under that section as so amended praying for an alteration of the number of councillors of the borough, either with or without a division of the borough into wards or an alteration of the number or boundaries of the wards; and for the purposes of any such petition and the proceedings thereon, the provisions of the said section shall apply with the necessary modifications, save that in the case of a petition presented by the council of a borough not divided into wards praying only for an alteration of the number of councillors of the borough, the Order in Council fixing the number of councillors of the borough shall take effect from such date as may be specified therein, and subsections (3) to (15) of the said section shall not apply.

2. *Alteration of number of councillors of metropolitan boroughs.*—(1) The powers of the Secretary of State under section twenty-six of the London Government Act, 1899 (which relates to the alteration of wards of metropolitan boroughs) shall be extended so as to include power, whenever he is satisfied that a *prima facie* case is made out for a proposal for the alteration of the number of councillors of a metropolitan borough, to cause such inquiries to be made and such notices to be given as he may think expedient, and, if satisfied that the proposal is desirable, to make an order altering the number of councillors of the borough and the apportionment of the councillors among the wards and the said section as amended by any subsequent enactment shall have effect accordingly.

(2) For the purposes of any alteration of the apportionment of the councillors amongst the wards, the requirement in subsection (2) of section two of the London Government Act, 1899, that the number of councillors assigned to each ward shall be a number divisible by three, shall be deemed not to apply.

3. *Consequential provisions.*—Any Order in Council or scheme under section thirty of the Municipal Corporations Act, 1882, as extended by this Act, and any order of the Secretary of State under section twenty-six of the London Government Act, 1899, as so extended, may contain such incidental, consequential, and supplemental provisions as appear to be necessary or proper for bringing into operation, and giving full effect to, the order or scheme.

4. *Short title.*—This Act may be cited as the Borough Councillors (Alteration of Number) Act, 1925.

CHAPTER 12.

BRITISH SUGAR (SUBSIDY) ACT, 1925.

An Act to provide for the payment of a subsidy in respect of sugar and molasses manufactured in Great Britain during a period of ten years beginning on the first day of October, nineteen hundred and twenty-four, from beet grown in Great Britain, and to charge a duty of excise on sugar and molasses manufactured in Great Britain and Northern Ireland from beet grown in those countries. [27th March, 1925.]

1. *Rate and conditions of payment of subsidy.*—(1) Subject to the provisions of this section and to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules, there shall, out of moneys provided by Parliament, be paid in respect of every hundredweight of sugar or molasses manufactured in Great Britain during a period of ten years beginning on the first day of October, nineteen hundred and twenty-four, from beet grown in Great Britain (in this Act referred to as "*home-grown beet*"), a subsidy at the rate prescribed by the First Schedule to this Act.

(2) The subsidy shall not be payable—

(a) in respect of any sugar or molasses unless it is shown to the satisfaction of the Minister that the price paid or agreed to be paid for the beet from which the sugar or molasses was manufactured

represents a rate not less than the minimum price per ton (if any) prescribed as respects that beet by the Second Schedule to this Act; or

(b) in respect of sugar or molasses manufactured in any particular factory, unless it is shown to the satisfaction of the Minister that not less than seventy-five per cent. of the plant and machinery installed in the factory for the manufacture of sugar and molasses consists of plant and machinery wholly manufactured in Great Britain:

Provided that the provisions of this paragraph shall not apply in the case of any factory in respect of which the Minister thinks fit for any special reason to direct that they shall not apply, and in the case of a factory which was used for the manufacture of sugar or molasses before the date of the passing of this Act shall apply only in relation to plant or machinery installed in the factory on or after that date.

The percentage aforesaid shall be ascertained on the basis of the value of the plant and machinery as delivered into the factory.

(3) The Minister may, if he thinks fit, in the case of sugar or molasses manufactured during the year beginning on the first day of October, nineteen hundred and twenty-four, withhold payment of any subsidy payable in respect thereof unless and until he is satisfied that all duties of excise payable in respect thereof have been duly paid.

(4) Subject to the provisions of this section, the subsidy shall be paid to the person by whom the sugar or molasses was manufactured and the amount thereof payable to any person shall be calculated in respect of the amount of sugar which is manufactured by that person in each week and in respect of the amount of molasses which in each week is delivered from the factory or used therein in the manufacture of food for stock, and payment shall be made from time to time as soon as may be after the amount payable in respect of each week has been ascertained:

Provided that where, subject to and in accordance with any rules, sugar or molasses which has been manufactured in one factory is removed into another factory for the purpose of being therein subjected to a further process of manufacture and no claim is made for payment of subsidy in respect of the article as manufactured in the first factory, the subsidy shall be payable in respect of the article as it exists when finally manufactured in the second factory and to the person by whom the article was manufactured therein.

(5) All claims for payment of subsidy shall be made to and determined by the Minister in accordance with rules, and any decision of the Minister given with respect to or in connection with any such claim shall, subject to the provisions of this Act, be final and conclusive.

(6) If any person acts in contravention of or fails to comply with any rule, he shall, in respect of each offence, be liable on summary conviction to a penalty of fifty pounds.

2. *Accounts of companies in receipt of subsidy to be laid before Parliament.*—(1) Any company which manufactures in Great Britain sugar or molasses from home-grown beet shall in every year in which a subsidy is payable under this Act send to the Minister a statement in the form of a balance-sheet, audited by the company's auditors, containing a summary of the company's share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets and how the values of the fixed asset have been arrived at, and also a statement of profit and loss, audited in the like manner. Every such statement shall be made up to such date as may be specified therein and shall be sent to the Minister within ninety days of that date.

(2) Such balance-sheet and statement of profit and loss shall be drawn up in accordance with rules, and the Minister may require such explanations in relation thereto as may seem to him proper.

(3) If a company makes default in complying with the requirements of this section it shall be liable on summary conviction to a fine not exceeding five pounds for every day during which the default continues.

(4) The Minister shall lay before Parliament copies of all balance-sheets sent to him in accordance with the requirements of this section.

3. *Fair wages to be paid by employers in receipt of subsidy.*—(1) The wages paid by any employer to persons employed by him in connection with the manufacture of sugar or molasses in respect of which a subsidy is payable under this Act shall, except where paid at a rate agreed upon by a joint industrial council representing the employer and the persons employed, not be less than would be payable if the manufacture were carried on under a contract made between the Minister and the employer containing a fair wage clause which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments, and if any dispute arises as to what wages ought to be paid in accordance with this section it shall be referred by the Minister to the Industrial Court for settlement.

(2) Where any award has been made by the Industrial Court upon a dispute referred to that Court under this section, then as from the date of the award or from such later date as the Court may direct, it shall be an implied term of the contract between every employer and worker to whom the award applies that the rate of wages to be paid under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

4. *Charge of excise duty on sugar and molasses made from beet grown in Great Britain or Northern Ireland.*—(1) The exemption from duties of excise given by section six of the Finance Act, 1922, in respect of sugar and molasses manufactured from beet grown in Great Britain or

Northern Ireland shall cease, and accordingly section five of the Finance Act, 1924 (which makes provision for the excise duties to be charged and the drawbacks and allowance to be allowed and paid in respect of sugar and molasses manufactured in Great Britain or Northern Ireland), shall extend to sugar and molasses manufactured in Great Britain or Northern Ireland from such beet as aforesaid.

(2) Part III. of the First Schedule to the Finance (No. 2) Act, 1915 (which contains provisions relating to the excise duties on sugar, shall have effect as though the provisions set out in the Third Schedule to this Act were substituted for paragraph 3 of the said Part III.

(3) This section shall be deemed to have had effect from the thirtieth day of September, nineteen hundred and twenty-four.

5. *Repayment of amounts improperly obtained and penalty for false statements, &c.*—(1) If it is found at any time that any person has obtained any payment by way of subsidy to which, or to part of which, he was not lawfully entitled, the amount of that payment or of that part of the payment may, without prejudice to the recovery thereof as a debt due to the Crown, and without prejudice to the criminal liability, if any, of any person for any untrue statement or untrue representation, be recovered by the Minister summarily as a civil debt.

(2) If for the purpose of obtaining payment of the subsidy either for himself or for any other person any person makes any untrue statement or untrue representation, he shall, in respect of each offence, be liable on summary conviction to a penalty of fifty pounds, unless he proves that he did know, and could not with reasonable diligence have ascertained, that the statement or representation was untrue.

(3) If proceedings for an offence under this section or under section one of this Act are instituted by the Commissioner of Customs and Excise, the penalty for the offence shall be deemed to be an excise penalty and shall be recoverable accordingly.

6. *Short title, interpretation and repeal.*—(1) This Act may be cited as the British Sugar (Subsidy) Act, 1925.

(2) This Act, so far as it relates to excise duties and excise penalties, shall be construed together with the enactments relating to those duties and the management thereof.

(3) In this Act, unless the context otherwise requires—

The expression "subsidy" means the subsidy payable under this Act in respect of manufactured sugar and molasses:

The expression "factory" includes refinery, and the expression "manufactured" includes refined, and the expression "manufacture" shall be construed accordingly:

The expression "the Minister" means for the application of the Act to England and Wales the Minister of Agriculture and Fisheries; in the application of the Act to Scotland the Board of Agriculture for Scotland:

The expression "rules" means rules made for the purposes of this Act by the Minister of Agriculture and Fisheries and the Board of Agriculture for Scotland jointly.

(4) Section six of the Finance Act, 1922, is hereby repealed.

[Here follow three Schedules containing details of prices, &c.]

CHAPTER 13.

TRADE FACILITIES ACT, 1925.

An Act to amend the Trade Facilities Acts, 1921 to 1924, by increasing the maximum limit of the loans in respect of which guarantees may be given under those Acts and by extending the period within which such guarantees may be given. [27th March, 1925.]

1. *Increase of amount of loans which may be guaranteed under 11 & 12 Geo. 5, c. 65, and extension of period for giving guarantees.*—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under subsection (1) of section one of the Trade Facilities Act, 1921, as amended by any other enactment, shall be increased from sixty-five million pounds to seventy million pounds.

(2) The period within which guarantees may be given under the said section one (which period as now limited will expire on the thirty-first day of March, nineteen hundred and twenty-five), shall be extended by one year.

2. *Short title.*—This Act may be cited as the Trade Facilities Act, 1925, and the Trade Facilities Acts, 1921 to 1924, and this Act may be cited together as the Trade Facilities Acts, 1921 to 1925.

CHAPTER 14.

HOUSING ACT, 1925.

[This is a consolidating Act and therefore omitted.]

CHAPTER 15.

THE HOUSING (SCOTLAND) ACT, 1925.

CHAPTER 16.

TOWN PLANNING ACT, 1925.

An Act to consolidate the enactments relating to town planning in England and Wales. [9th April, 1925.]

1. *Town planning schemes.*—(1) A town planning scheme may be made in accordance with the provisions of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connection with the laying out and use of the land, and of any neighbouring lands:

Provided that, where a piece of land already built upon or a piece of land not likely to be used for building purposes is so situate with respect to any land likely to be used for building purposes that the general object of the scheme would be better secured by its inclusion in any town planning scheme made with respect to the last-mentioned land, the scheme may include such piece of land as aforesaid, and may provide for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(2) Where it appears to the Minister of Health (hereinafter referred to as the Minister) that on account of the special architectural, historic or artistic interest attaching to a locality it is expedient that with a view to preserving the existing character and to protecting the existing features of the locality, a town planning scheme should be made with respect to any area comprising that locality, the Minister may, notwithstanding that the land or any part thereof is already developed, authorise a town planning scheme to be made with respect to that area prescribing the space about buildings, or limiting the number of buildings to be erected, or prescribing the height or character of buildings, and, subject as aforesaid, the provisions of this Act shall apply accordingly.

(3) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Minister, whether land is likely to be used for building purposes or not, shall be final and conclusive.

2. *Power of local authorities to prepare or adopt town planning schemes.*—(1) A local authority may by resolution decide—

(a) to prepare a town planning scheme with reference to any land within, or in the neighbourhood of, their area in regard to which a scheme may be made under this Act; or

(b) to adopt, with or without any modifications, any town planning scheme proposed by all or any of the owners of any land with respect to which the local authority are themselves by this Act authorised to prepare a scheme:

Provided that—

(i) if any such resolution of a local authority extends to land not within the area of that local authority, the resolution shall not have effect until it is approved by the Minister, and the Minister may, in giving his approval, vary the extent of the land to be included within the area of the proposed town planning scheme; and

(ii) where any local authorities are desirous of acting jointly in the preparation or adoption of a town planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the appointing councils might exercise for the purpose, and the provisions of sections fifty-seven and fifty-eight of the Local Government Act, 1894, in regard to joint committees, shall, with the necessary modifications, apply to any joint committee so appointed.

(2) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by order of the Minister, and the Minister may refuse to approve any scheme except with such modifications and subject to such conditions as he thinks fit to impose.

(3) A town planning scheme, when approved by the Minister, shall have effect as if it were enacted in this Act.

(4) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Act, or in manner provided by regulations made by the Minister under this Act, and the Minister, on the application of the responsible authority, or of any other person appearing to him to be interested, may by order revoke a town planning scheme if he thinks that under the special circumstances of the case the scheme should be so revoked.

3. *Duty of certain councils to prepare town planning schemes.*—

(1) The council of every borough or other urban district containing a population, according to the census taken in the year nineteen hundred and twenty-one, of more than twenty thousand shall, before the first day of January, nineteen hundred and twenty-nine, prepare and submit to the Minister a town planning scheme in respect of all land within the borough or urban district in respect of which a town planning scheme may be made under this Act.

(2) Without prejudice to the powers of the council under this Act, every scheme to which this section applies shall deal with such matters as may be determined by regulations to be made by the Minister.

(3) Every regulation so made shall be laid before both Houses of Parliament so soon as may be after it is made, and, if an address is

presented by either House within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, but without prejudice to the validity of anything previously done thereunder.

4. Development of estates pending preparation of town planning schemes.]—The Minister may by special or general order provide that where a resolution to prepare or adopt a town planning scheme has been passed, or where before the thirty-first day of July nineteen hundred and nineteen, or by virtue of any of the provisions of this Act, the preparation, adoption or making of a town planning scheme has been authorised, the development of estates and building operations may be permitted to proceed pending the preparation, adoption or making and approval of the town planning scheme, subject to such conditions as may be prescribed by the order.

5. Contents of town planning schemes.]—(1) The Minister may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the First Schedule to this Act, and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Minister for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme—

(a) defining in such manner as may be prescribed by regulations under this Act the area to which the scheme is to apply; and

(b) defining the authority who are to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme or this Act are to be executed by a local authority (in this Act referred to as the responsible authority); and

(c) providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions; and

(d) providing for the suspension, so far as necessary for the proper carrying out of the scheme, of any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme.

(3) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties:

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the administrative county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Act, or for the execution of any works which under the scheme or this Act are to be executed by a local authority.

(4) All general provisions made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, 56 & 57 Vict. c. 66, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

6. Procedure regulations of the Minister.]—(1) The Minister may make regulations for regulating generally the procedure to be adopted—

(a) with respect to the preparation or adoption of a town planning scheme; and

(b) with respect to obtaining the approval of the Minister to a scheme so prepared or adopted; and

(c) with respect to the variation or revocation of a scheme; and

(d) with respect to any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof, or the variation or revocation of the scheme.

(2) Provision shall be made by those regulations—

(a) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme, by such means as may be provided by the regulations;

(b) for securing that notice of the proposal to prepare or adopt a scheme should be given at the earliest stage possible to any council interested in the land;

(c) for securing that the council of the county in which any land proposed to be included in a scheme is situated shall be furnished with a notice of any proposal to prepare or adopt such a scheme and with a copy of the draft scheme before the scheme is made, and shall be entitled to be heard at any public local inquiry held by the Minister in regard to the scheme;

(d) for securing that a local authority after passing a resolution to prepare or adopt a scheme shall proceed with all reasonable speed with the preparation or adoption of the scheme, and shall comply with any

regulations as to steps to be taken for that purpose, including provisions enabling the Minister in the case of default or dilatoriness on the part of the local authority to act in the place and at the expense of the local authority; and

(e) for dealing with the other matters mentioned in the Second Schedule to this Act.

7. Power to enforce scheme.]—(1) The responsible authority may at any time after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme—

(a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Minister, and shall, unless the parties otherwise agree, be determined by the Minister as arbitrator, and the decision of the Minister shall be final and conclusive.

8. Acquisition of land comprised in a scheme.]—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in manner hereinafter provided.

(2) Land may be purchased by agreement for the purposes aforesaid in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far as they relate to purchase of land by agreement shall apply accordingly, and shall for the purposes of this Act extend to London as if the London County Council were a local authority in the said sections mentioned.

(3) The responsible authority may be authorised to purchase land compulsorily for the purposes aforesaid by means of an order submitted to the Minister, and confirmed by him in accordance with Part I. of the Third Schedule to this Act.

(4) The responsible authority may, with the consent of and subject to any conditions imposed by the Minister, acquire by agreement land comprised in a town planning scheme, notwithstanding that the land is not immediately required for the purposes of the scheme.

(5) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

(6) The powers of acquiring land under this section shall be subject to the restrictions contained in Part II. of the said Schedule.

9. Payment of purchase or compensation money (which would otherwise be paid into court) on direction of Minister.]—(1) Any purchase money or compensation payable in pursuance of this Act by a responsible or other local authority in respect of any land, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

(2) Any such decision of the Minister as to the payment and application of any such purchase money or compensation shall be final and conclusive.

10. Compensation in respect of property injuriously affected by scheme, &c.]—(1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Minister, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the date of the resolution of the local authority to prepare or adopt the scheme, or after the date when such resolution takes effect, or after the date when the Minister has authorised a scheme to be made by virtue of any power conferred on him for that purpose by this Act (as the case may be), or, in cases where before the thirty-first day of July nineteen hundred and nineteen the preparation or adoption of a town planning scheme was authorised, after the date on which the application for authority to prepare or adopt the scheme was made, or after such other time as the Minister may fix for the purpose:

Provided that—

(a) this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a

building begun or of carrying out a contract entered into before such date or other time as aforesaid:

(b) this provision shall not apply as respects any building erected, contract made, or other thing done in accordance with a permission granted in pursuance of an order of the Minister allowing the development of estates and building operations to proceed pending the preparation, adoption or making and approval of the scheme, and the carrying out of works so permitted shall not prejudice any claim of any person to compensation in respect of property injuriously affected by the making of the scheme;

(c) after any enactment providing for the registration of local land charges comes into force this provision shall not affect a purchaser of the land unless the resolution, if required to be registered under such enactment as a local land charge, has been so registered.

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Minister), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an order of the Minister under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

(7) For the purposes of this section "purchaser" means any person (including a mortgagee or lessee) who for valuable consideration takes any interest in land.

11. Exclusion or limitation of compensation in certain cases.]—

(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are also contained in any public general or local Act, or Order having the force of an Act of Parliament, in force in the area, or are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Minister, having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose.

(3) Where a person is entitled to compensation under this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

12. Notice to withdraw or modify provisions of scheme.]—(1) The responsible authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected by the making of a town planning scheme, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the responsible authority shall, within three months from the date of the notice, submit for the Minister's approval a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Minister of the varying scheme, whether with or without modification, and payment by the authority of the owner's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected by the making of a town planning scheme shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the Minister's decision on the varying scheme.

13. Power of Minister to require preparation of town planning scheme.]—

(1) Where the Minister is satisfied, after holding a public local inquiry, that a town planning scheme ought to be made by a local authority as respects any land in regard to which a town planning scheme may

be made under this Act, the Minister may by order require the local authority to prepare and submit for his approval such a scheme, and, if the scheme is approved by the Minister, to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, and for executing any works which, under the scheme or under this Act, the authority are required to execute.

(2) Any order made by the Minister under this section shall have the same effect as a resolution of the local authority deciding to prepare a town planning scheme in respect of the area in regard to which the order is made.

(3) If the local authority fail to prepare a scheme to the satisfaction of the Minister within such time as may be prescribed by the order, or to enforce the observance of the scheme or any provisions thereof effectively, or to execute any such works as aforesaid, the Minister may himself act, or in the case of a borough or other urban district the population of which is less than twenty thousand, or of a rural district, may, if the Minister thinks fit, by order, empower the county council to act in the place and at the expense of the local authority.

14. Power of Minister in case of default of local authority to adopt or execute town planning scheme.]—

(1) If the Minister is satisfied on any representation, after holding a public local inquiry, that a local authority have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted, the Minister may order the local authority to adopt the scheme proposed, or in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Minister thinks fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Minister.

(2) If the Minister is satisfied on any representation, after holding a public local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been approved, or any provisions thereof, or to execute any works which under the scheme or this Act the authority are required to execute, the Minister may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Act the authority are required to execute.

(3) Any order under this section may be enforced by mandamus.

15. Power of Minister to order local authority to consent to modifications and conditions.]—

(1) Where the Minister has refused to approve a town planning scheme prepared or adopted by a local authority, except with certain modifications or subject to certain conditions, and the Minister on any representation is satisfied after holding a public local inquiry that the local authority have unreasonably refused to consent to the modifications or conditions so imposed by the Minister, the Minister may order the local authority to consent to the modifications or conditions so imposed.

(2) An order under this section may be enforced by mandamus.

16. Acquisition of land for purpose of garden cities.]—(1) Where the Minister is satisfied that any local authority (including a county council) or two or more local authorities jointly, or any authorised association, are prepared to purchase and develop, in accordance with a scheme approved by the Minister—

(a) any land as a garden city (including a garden suburb or garden village);

(b) any land in regard to which a town planning scheme may be made;

and have funds available for the purpose, he may, with the consent of the Treasury and after consultation with the Board of Trade, the Minister of Agriculture and Fisheries, and the Minister of Transport, acquire that land on behalf of the authority or association either by compulsion or by agreement in any case in which it appears to him necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of this Act relating to the powers of a local authority to acquire land for the purposes of a town planning scheme, shall apply for the purpose of the acquisition of land by the Minister under this section, and the Minister in exercising his powers of acquiring land under this section shall be subject to the same conditions as are applicable to the acquisition of land under this Act by a local authority:

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorised association, the order shall be laid before each House of Parliament and shall not be confirmed by the Minister unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority shall have power to acquire land for the purposes of a scheme approved by the Minister under this section, and to develop any land so acquired in accordance with the scheme.

(4) Subject to such conditions as the Treasury may prescribe and up to an amount approved by the Treasury, the Public Works Loan Commissioners may advance by way of loan to any authorised association such money as the association may require for the purpose of developing the garden city in accordance with a scheme approved by the Minister under this section, and the provisions of the Housing

Act, 1925, with respect to loans by those Commissioners to a public utility society for the purpose of the purchase and development of land under Part III. of that Act shall, subject to the provisions of this section, apply to advances made in pursuance of this subsection.

The power to make advances under this subsection shall be exercised during such period as the Treasury may prescribe.

(5) In this section "authorised association" means any society, company or body of persons approved by the Minister whose objects include the promotion, formation, or management of garden cities (including garden suburbs and garden villages), and the erection, improvement or management of buildings for the working classes and others, which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury; and any authorised association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of interest on loan capital at a rate exceeding six per centum per annum, to raise money on loan at a rate of interest not exceeding the rate for the time being prescribed by the Treasury.

17. *Determination of matters by Minister.*—Where the Minister is authorised by this Act or any scheme made under this Act or any enactment thereby repealed to determine any matter, it shall, except as otherwise expressly provided by this Act, be at his option to determine the matter as arbitrator or otherwise, and, if he elects or is required to determine the matter as arbitrator, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Minister and the determination of the matters aforesaid.

18. *Local inquiries.*—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit, and the costs incurred in relation to any such local inquiry shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any authority or person shall be a debt to the Crown from such authority or person.

(2) Sections two hundred and ninety-three to two hundred and ninety-six and section two hundred and ninety-eight of the Public Health Act, 1875, shall apply for the purpose of any order to be made by the Minister or any local inquiry which he may cause to be held in pursuance of this Act.

19. *Provisions as to land in neighbourhood of royal palaces and parks.*—

(1) Where any land proposed to be included in a town planning scheme, or any land proposed to be acquired under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Minister shall, before confirming the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations he may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

20. *Definition of local authority and expenses.*—(1) For the purposes of this Act, the expression "local authority" means—

(a) as respects the administrative county of London the London County Council; and

(b) elsewhere the council of the borough or urban or rural district.

(2) Any expenses incurred by the London County Council under this Act or any scheme made under this Act, or any enactment thereby repealed, including the cost of the preparation or adoption of a scheme, shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

(3) Any expenses incurred by the Council of a borough or urban or rural district under this Act, or any scheme made under this Act or any enactment thereby repealed, shall be defrayed as expenses of the council under the Public Health Acts, 1875 to 1907, and the authority may borrow, for the purposes of this Act, or any such scheme, including the cost of the preparation or adoption of a scheme, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts, 1875 to 1907.

(4) Money borrowed for the purposes of this Act, or any scheme made under this Act or any enactment thereby repealed, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under sub-sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

21. *Repeals.*—(1) The enactments mentioned in the Fourth Schedule to this Act are, so far as they apply to England and Wales, hereby repealed to the extent specified in the third column of that schedule:

Provided that—

(a) nothing in this repeal shall affect any scheme, order or regulation made, or notice or approval given under any enactment hereby

repealed, but any such scheme, order, regulation, approval or notice shall have effect as if made or given under the corresponding provision of this Act and may be amended, varied, repealed, revoked, or enforced accordingly;

(b) any document referring to any Act or enactment so repealed shall be construed as referring to this Act or the corresponding enactment in this Act.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

22. *Short title, commencement and extent.*—(1) This Act may be cited as the Town Planning Act, 1925.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-five.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE MINISTER.

- Streets, roads, and other ways, and stopping up or diversion of existing highways.
- Buildings, structures, and erections.
- Open spaces, private and public.
- The preservation of objects of historical interest or natural beauty.
- Sewerage, drainage, and sewage disposal.
- Lighting.
- Water supply.
- Ancillary or consequential works.
- Extinction or variation of private rights of way and other easements.
- Dealing with or disposal of land acquired by the responsible authority or by a local authority.
- Power of entry and inspection.
- Power of the responsible authority to remove, alter, or demolish any obstructive work.
- Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
- Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.
- Application with the necessary modifications and adaptations of statutory enactments.
- Carrying out and supplementing the provisions of this Act for enforcing schemes.
- Limitation of time for operation of scheme.
- Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.
- Charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

SECOND SCHEDULE.

MATTERS TO BE DEALT WITH BY REGULATIONS OF THE MINISTER.

- Procedure anterior to the preparation or adoption of scheme:—
 - Preparation and deposit of plans.
 - Publication of notices.
- Procedure during, on, and after the preparation or adoption and before the approval of the scheme:—
 - Submission to the Minister of the proposed scheme, with plans and estimates.
 - Notice of submission of proposed scheme to the Minister.
 - Hearing of objections and representations by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.
 - Publication of notice of intention to approve scheme and the lodging of objections thereto.
- Procedure after the approval of the scheme:—
 - Notice to be given of approval of scheme.
 - Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.
- Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.
- The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

THIRD SCHEDULE.

PART I.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND.

1. Where a local authority propose to purchase land compulsorily, the local authority may submit to the Minister an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this schedule shall be of no force unless and until it is confirmed by the Minister, and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit, and an order when so confirmed shall, save as otherwise expressly provided by this schedule, become final and have effect as if enacted in this Act; and the confirmation by the Minister shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

3. The order shall be in the form prescribed by the Minister, and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the lands, and shall incorporate, subject to the necessary adaptations:—

(a) the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(b) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

4. The order shall be published by the local authority in the manner prescribed by the Minister, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed by the Minister.

5. If within such period as may be prescribed by the Minister no objection to the order has been presented to the Minister by a person interested in the land, or if every such objection has been withdrawn, the Minister shall, without further enquiry, confirm the order, unless he is of opinion that the land is unsuited for the purpose for which it is proposed to be acquired, but, if such an objection has been presented and has not been withdrawn, the Minister shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry, and the Minister shall, before confirming the order, duly consider the report of the person by whom a public inquiry is held.

6. In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

7. Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

8. The reference to sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, shall be construed as a reference to those sections as originally enacted and not as a reference to the provisions which by virtue of the Mines (Working Facilities and Support) Act, 1923, are in certain cases to be substituted for those sections.

PART II.

RESTRICTIONS ON ACQUISITION OF LAND.

1. Nothing in this Act shall authorise the acquisition for the purposes of any town planning scheme of any land which is the site of an ancient monument or other object of archaeological interest.

2. Nothing in this Act shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, or which, at the date of the order authorising the compulsory acquisition of the land, forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any house.

3.—(1) Where any scheme or order under this Act authorises the acquisition or appropriation of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all

persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange, the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Part of this Schedule the expression "common" includes any land subject to be enclosed under the Inclosure Act, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 44.	The Housing, Town Planning, &c. Act, 1909.	Part II. Part IV. so far as it relates to town planning. The Fourth Schedule. The Fifth Schedule.
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, &c. Act, 1919.	Part II. The Third Schedule.
9 & 10 Geo. 5. c. 99.	The Housing (Additional Powers) Act, 1919.	Section ten.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Section six so far as unrepealed by the Housing Act, 1924. Section seven.
13 & 14 Geo. 5. c. 24.	The Housing Act, 1923.	Part II. The Second Schedule so far as it amends section 59 of the Housing, Town Planning, &c. Act, 1909.

CHAPTER 17.

TOWN PLANNING (SCOTLAND) Act, 1925.

(15 Geo. 5, Ch. 17.)

CHAPTER 18.

SETTLED LAND ACT, 1925.

(15 Geo. 5, Ch. 18.)

CHAPTER 19.

TRUSTEE ACT, 1925.

(15 Geo. 5, Ch. 19.)

CHAPTER 20.

LAW OF PROPERTY ACT, 1925.

(15 Geo. 5, Ch. 20.)

CHAPTER 21.

LAND REGISTRATION ACT, 1925.

(15 Geo. 5, Ch. 21.)

CHAPTER 22.

LAND CHARGES ACT, 1925.

(15 Geo. 5, Ch. 22.)

CHAPTER 23.

ADMINISTRATION OF ESTATES ACT, 1925.

(15 Geo. 5, Ch. 23.)

CHAPTER 24.

UNIVERSITY AND COLLEGE ESTATES ACT, 1925.

(15 Geo. 5, Ch. 24.)

CHAPTER 25.

ARMY AND AIR FORCE (AMENDMENT) ACT, 1925.

(15 Geo. 5, Ch. 25.)

CHAPTER 26.

BRITISH EMPIRE EXHIBITION (GUARANTEE) ACT, 1925

An Act to amend the British Empire Exhibition (Guarantee) Act, 1920, and the British Empire Exhibition (Amendment) Act, 1922, by increasing to one million one hundred thousand pounds the amount up to which a guarantee may be given thereunder, and by extending the operation of the said Acts to any loss resulting from the holding of the British Empire Exhibition in the year nineteen hundred and twenty-five.

[7th May, 1925.]

Whereas by the British Empire Exhibition (Guarantee) Act, 1920, as amended by the British Empire Exhibition (Amendment) Act, 1922, the Board of Trade were authorised to guarantee up to an amount not exceeding one hundred thousand pounds any loss which might result from the holding of the British Empire Exhibition in the year nineteen hundred and twenty-four, or as soon thereafter as might be:

And whereas the said Exhibition was opened on the twenty-third day of April, nineteen hundred and twenty-four, and was closed on the first day of November in that year:

And whereas it is anticipated that the said Exhibition will be reopened for some period in the year nineteen hundred and twenty-five:

And whereas it is expedient that the amount up to which a guarantee may be given under the said Acts should be increased to one million one hundred thousand pounds, and that the said Acts should have effect as if they had authorised the guaranteeing of any loss resulting from the holding of a British Empire Exhibition in the years nineteen hundred and twenty-four and nineteen hundred and twenty-five:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Extension of limit of guarantee and extension of Acts to holding of exhibition in 1925.]—The amount up to which a guarantee may be given by the Board of Trade under the British Empire Exhibition (Guarantee) Act, 1920, as amended by the British Empire Exhibition (Amendment) Act, 1922, in respect of any loss which may result from the holding of the British Empire Exhibition shall be increased from one hundred thousand pounds to one million one hundred thousand pounds, and the said Acts, as amended by the foregoing provision of this section, shall have effect as if they had authorised the giving of a guarantee in respect of loss resulting from the holding of a British Empire Exhibition in the years nineteen hundred and twenty-four and nineteen hundred and twenty-five.

2. Fair wages to be paid to persons employed in connection with the British Empire Exhibition.]—(1) The wages paid by any employer to persons employed by him in connection with the British Empire Exhibition shall, except where paid at a rate agreed upon by a joint industrial council representing the employer and the persons employed, not be less than would be payable if the employment were carried on under contract between a Government department and the employer containing a fair wage clause which complies with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments, and if any dispute arises as to what wages ought to be paid in accordance with this section it may be referred by the Minister of Labour to the industrial court for settlement.

(2) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then as from the date of the award or from such later date as the court may direct, it shall be an implied term of the contract between every employer and worker to whom the award applies that the rate of wages to be paid under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

3. Short title.]—This Act may be cited as the British Empire Exhibition (Guarantee) Act, 1925, and this Act and the British Empire Exhibition (Guarantee) Act, 1920, and the British Empire Exhibition (Amendment) Act, 1922, may be cited together as the British Empire Exhibition (Guarantee) Acts, 1920 to 1925.

CHAPTER 27.

CHARITABLE TRUSTS ACT, 1925.

An Act to amend the Charitable Trusts Acts, 1853 to 1914.

[7th May, 1925.]

1. Incorporation of official trustees.]—(1) The official trustees of Charitable funds shall by that name be a body corporate for all purposes, and shall have an official seal which shall be officially and judicially noticed.

(2) The power of the Treasury under section four of the Charitable Trusts Act, 1887, to prescribe by regulations the mode in which the business of the said official trustees generally is to be conducted shall include a power to prescribe by regulations the manner in which the seal of the official trustees is to be kept, used and authenticated.

(3) A company shall not be entitled to refuse to enter the name of the said official trustees on its books by reason only that the official trustees are a corporation.

(4) Section eighteen of the Charitable Trusts Amendment Act, 1855, shall cease to have effect.

2. Alteration of dates for the making and presentation of certain reports and accounts.]—In section sixty of the Charitable Trusts Act, 1853, "March" shall be substituted for "February" as the month in which the Charity Commissioners are to make their annual report to His Majesty, and in section eighteen of the Charitable Trusts Act, 1860, "the thirty-first day of March" shall be substituted for "the fourteenth day of February" as the date on or before which the annual accounts of the official trustees are to be laid before Parliament.

3. Short title, construction, citation and commencement.]—(1) This Act may be cited as the Charitable Trusts Act, 1925, and shall be construed as one with the Charitable Trusts Acts, 1853 to 1914, and together with those Acts may be cited as the Charitable Trusts Acts, 1853 to 1925.

(2) This Act shall come into operation two months after the passing thereof.

CHAPTER 28.

ADMINISTRATION OF JUSTICE ACT, 1925.

An Act to amend the law with respect to the jurisdiction and business of the Supreme Court in England and with respect to the judges, officers and offices thereof and otherwise with respect to the administration of justice.

[7th May, 1925.]

Assizes.

1. Power to dispense with holding of assizes in places where unnecessary.]—(1) If at any time it appears to the Lord Chief Justice that there is no business or no substantial amount of business to be transacted at the assizes then about to be held at any place on a circuit and that having regard to all the circumstances of the case it is desirable that an order should be made under this section, he may, with the concurrence of the Lord Chancellor, by order direct that assizes shall not on the occasion of that circuit be held at that place, and, where any such order is made, then, notwithstanding any enactment or custom to the contrary, assizes shall not on that occasion be held at the place specified in the order.

(2) There may be included in an order made under this section provision for any matters (including any of the matters mentioned in paragraph (3) of section two of the Winter Assizes Act, 1876) for which it appears to the Lord Chief Justice to be necessary or proper to make provision with a view to giving full effect to the order.

2. Power to include ex-judges in commissions of assize.]—His Majesty may include in a commission of assize any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court, but no person who has held office as aforesaid shall be required to act as commissioner of assize unless he consents so to do.

Supreme Court.

3. Trial with jury in High Court.]—Section two of the Administration of Justice Act, 1920 (which relates to the mode of trial in the High Court), shall cease to have effect, and provision may be made by rules of court in the same manner as if the Juries Act, 1918, and section two of the Administration of Justice Act, 1920, had not passed, for prescribing in what cases trials in the High Court are to be with a jury and in what cases they are to be without a jury, and until such rules of court come into force the rules of court relating to the mode of trial in the High Court which were in force immediately before the passing of the Juries Act, 1918, shall have effect.

4. Qualifications of judges of Supreme Court.]—(1) Any person being a barrister of not less than ten years' standing shall be qualified for appointment as a puisne judge of the High Court.

(2) Any person being a barrister of not less than fifteen years' standing or a judge of the High Court shall be qualified for appointment as a Lord Justice of Appeal.

(3) Any person qualified for appointment as a Lord Justice of Appeal or being a judge of the Court of Appeal shall be qualified for appointment as Lord Chief Justice, Master of the Rolls or President.

5. Power to appoint additional judge of Probate, Divorce and Admiralty Division, and amendment of 10 Edw. 7, and 1 Geo. 5, c. 12.]—(1) It shall be lawful for His Majesty from time to time to appoint one judge of the High Court in addition to the number of judges of that court authorised to be appointed by the Judicature Acts, 1873 to 1910.

(2) The judge so appointed shall, subject to such power of transfer as is authorised by the Supreme Court of Judicature Act, 1873, be attached to the Probate Division, and the law relating to the appointment and qualification of judges of the High Court, their duties, tenure, precedence, salary and pension and otherwise shall apply to a judge appointed under this section.

(3) Where under subsection (2) of section one of the Supreme Court of Judicature Act, 1910, an Address from both Houses of Parliament has, whether before or after the passing of this Act, been presented to His Majesty representing that the state of business in the King's Bench Division requires that a vacancy among the puisne judges of that Division should be filled, it shall be lawful for His Majesty from time to time without any further Address, to fill any vacancy which may arise among the said judges at any time within a period of one year next after the date of the presentation to His Majesty of the said Address.

(4) This section shall come into operation on the passing of this Act.

6. Qualifications for certain offices in Supreme Court.—A person shall not be qualified for appointment to any of the offices in the Supreme Court specified in the first column of the First Schedule to this Act unless he is a person of the description specified in the second column of that Schedule in respect of that office:

Provided that, notwithstanding anything in this section, any person who holds any office in the Supreme Court at the commencement of this Act shall be qualified for appointment to any office to which he might have been appointed if this Act had not passed.

7. Tenure of officers of Supreme Court.—(1) Any officer of the Supreme Court who by virtue of the provisions of section one of the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, is required to vacate office at the end of the completed year of service in the course of which he attains the age of seventy-two years shall, subject to the provisions of the said section and subject as hereinafter provided, hold office during good behaviour:

Provided that the power to remove any such person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor, and the Lord Chancellor shall have power to remove any such person from his office on account of inability to perform the duties of the office.

(2) Every officer of the Supreme Court, not being an officer to whom subsection (1) of this section applies, shall hold office during His Majesty's pleasure:

Provided that nothing in this subsection shall affect the tenure of any officer appointed before the commencement of this Act.

(3) In the application of this section to registrars of the Probate Division, the President shall be substituted for the Lord Chancellor.

8. Appointment of deputies for Supreme Court officers.—(1) Where an officer of the Supreme Court is absent from illness or other reasonable cause, he may, with the approval of the Lord Chancellor and subject to the provisions of this section, appoint a deputy, and if being so absent he fails to make such an appointment, the Lord Chancellor may appoint a deputy.

(2) Every deputy appointed under this section shall have all the powers and authorities of the officer for whom he is appointed to act.

(3) A person shall not be qualified to be appointed under this section to act as a deputy in any office unless he is qualified for appointment to that office.

(4) Nothing in this section shall affect the power of the President under section thirty-five of the Court of Probate Act, 1858, to appoint any person to discharge the duties of any officer appointed under the Court of Probate Act, 1857, or the Court of Probate Act, 1858, or be taken to authorise either the Lord Chancellor or any officer so appointed as aforesaid to appoint a deputy in any case to which the said section thirty-five applies.

9. District registrars of High Court.—(1) Any person being the registrar of a county court or being a solicitor of not less than seven years' standing shall be qualified for appointment as district registrar of the High Court.

(2) The Lord Chancellor may, if he thinks fit, appoint two persons to execute jointly the office of district registrar in any district registry and may in any case where joint district registrars are appointed give directions with respect to the division between them of the duties of the office and may, as he thinks fit, on the death, resignation or removal of a joint district registrar, either appoint another person to be joint district registrar in the place of the person so dying, resigning or removed, or give directions that the continuing registrar shall act as sole registrar.

(3) On a vacancy occurring in the office of a district registrar, any person being a person qualified for appointment as district registrar may be appointed to act as provisional district registrar for such period not exceeding six months from the date on which the vacancy occurs as the Lord Chancellor may direct.

(4) The power to make appointments to the office of district registrar and provisional district registrar shall be vested in the Lord Chancellor.

(5) All acts authorised or required to be done by, to or before a district registrar may be done by, to or before a provisional district registrar appointed under this section, and a provisional district registrar shall receive in respect of the period during which he so acts remuneration on a scale not higher than the scale applicable in the case of the registrar of the district for which he is appointed to act.

(6) Every district registrar and provisional district registrar shall be an officer of the Supreme Court, and no person who is, or is acting as, the district registrar or the provisional district registrar of any district shall, either by himself or his partner, be directly or indirectly engaged as a solicitor or agent for a party to any proceeding whatsoever in the registry of that district.

10. Amendments as to business in central office and as to officers of Supreme Court.—(1) Directions under section twelve of the Supreme Court of Judicature (Officers) Act, 1879, as to the business to be performed in, and the duties of the officers of, the central office of the Supreme Court shall, instead of being given by rules of court, be given by order of the Lord Chancellor.

(2) The clerks employed in the offices of the Supreme Court shall be classified in such manner as the Lord Chancellor, with the concurrence of the Treasury, may by order direct, and shall be employed in such capacities, as the Lord Chancellor may by order direct.

For the purposes of this sub-section, the expression "the offices of the Supreme Court" shall include the department of the official solicitor to the Supreme Court, the bankruptcy department and the companies (winding-up) department, but shall not include the principal probate registry.

(3) The Lord Chancellor may from time to time as respects any class of officers in the Supreme Court, with the concurrence of the Treasury, determine the number of persons who may be appointed to be officers of that class, and section fourteen of the Court of Justice (Salaries and Funds) Act, 1869 (which relates to the appointment of officers) shall, so far as it relates to officers of the Supreme Court, cease to have effect.

(4) From and after the commencement of this Act, the power to appoint a person to be a clerk in the office of the master in lunacy shall be vested in and exercisable by the Lord Chancellor, and that office shall be included among the offices of the Supreme Court.

(5) The central office of the Supreme Court shall comprise and shall be deemed always to have comprised the officers and persons employed in the Court of Criminal Appeal.

11. Office of Accountant-General.—(1) There shall be an Accountant General of the Supreme Court, and all powers and duties which under the Court of Chancery (Funds) Act, 1872, or any Act amending that Act, may be exercised or are to be performed by the Paymaster-General shall become powers and duties of the Accountant-General, and references to the Paymaster-General in those Acts or in any rules made under or for the purposes of those Acts before the commencement of this Act shall be construed as references to the Accountant-General.

(2) All money, securities and other property vested in the Paymaster-General for or on behalf of the Supreme Court at the commencement of this Act shall, by virtue of this Act and without any transfer or assignment, become vested in the Accountant-General.

(3) The Clerk of the Crown shall be the Accountant-General.

(4) The office of the Accountant-General shall be an office of the Supreme Court.

12. Amendment as to preparation of annual accounts of Supreme Court.—Section twenty-eight of the Supreme Court of Judicature Act, 1875, which requires the Treasury to prepare annually an account of the receipts and expenditure in respect of the High Court and the Court of Appeal, and of certain other matters, shall have effect as though for the words "the Treasury shall cause to be prepared annually an account," and for the words "make such returns and give such information as the Treasury may from time to time require for the purpose of enabling them to make out the said account," there were respectively substituted the words "the Lord Chancellor shall cause to be prepared annually an account," and the words "make such returns and give such information as the Lord Chancellor may from time to time require for the purpose of enabling him to make out the said account."

13. Accounts of funds in court.—(1) Accounts in such form as the Treasury may direct, including all such accounts as may be necessary for carrying into effect the orders of the High Court, shall be kept for the purposes of the Court of Chancery (Funds) Act, 1872, as amended by the Supreme Court of Judicature (Funds, &c.) Act, 1883, and this Act, and separate accounts shall be kept for the transactions under those Acts of the Accountant-General of the Supreme Court and of the National Debt Commissioners and of the liability of the Consolidated Fund under those Acts.

The accounts to be kept as aforesaid shall be examined by the Comptroller and Auditor-General, and the Treasury shall cause copies of the accounts certified by the Comptroller and Auditor-General, together with his report thereon, to be sent to the Lord Chancellor and to be laid before both Houses of Parliament.

(2) The following paragraph shall be substituted for paragraph (9) of section eighteen of the Court of Chancery (Funds) Act, 1872 (which gives power to the Lord Chancellor, with the concurrence of the Treasury, to make rules for carrying that Act into effect):—

"(9) Dealing with—

(a) accounts on which the balance of money and securities together amounts to less than five pounds:

(b) accounts on which that balance amounts to five pounds or more, but less than fifty pounds, and which have not been dealt with for a period of five years;

(c) accounts on which that balance amounts to fifty pounds or more and which have not been dealt with for a period of fifteen years:

and providing for the publication of lists of all or any of such last-mentioned accounts."

14. Distribution of business in High Court.—(1) The Lord Chancellor may, if at any time it appears to him desirable so to do with a view to the more convenient administration of justice, by order direct that any jurisdiction vested in the High Court in respect of any matter which by any enactment or any rule or order made under any enactment is assigned to any Division shall, notwithstanding that enactment, rule or order, be assigned to such other Division as may be specified in the order and shall be exercised either by any special judge or judges or by all the judges of that other Division:

Provided that an order shall not be made under this subsection except with the concurrence both of the president of the Division to which the jurisdiction is at the time assigned and of the president of the Division to which the jurisdiction is to be transferred.

(2) Where under any enactment a right of appeal to the High Court or to any Division is given from decisions given by county courts in pursuance of the jurisdiction vested in county courts in respect of any matter, the Lord Chancellor may, notwithstanding anything in any enactment, by order direct to which Division the appeal shall lie.

15. Rules of Supreme Court.—(1) Rules of court may be made under the Judicature Acts, 1873 to 1910, for the following purposes:—

(a) For regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal and the High Courts respectively in all causes and matters whatsoever in or with respect to which those courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Supreme Court and in district registries), and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provisions) the manner in which, and the time within which, any applications which under this or any other Act are to be made to the Court of Appeal or to the High Court shall be made:

(b) For regulating and prescribing the procedure on appeals from any court or person to the Court of Appeal or the High Court, and the procedure in connection with the transfer of proceedings from any inferior court to the High Court or from the High Court to any inferior court:

(c) For regulating the sittings of the Court of Appeal and the High Court, of the divisional courts of the High Court, and of the judges of the High Court whether sitting in court or in chambers:

(d) For prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by judges of the High Court in chambers may be transacted or exercised by masters of the Supreme Court, registrars of the Probate Division or other officers of the Supreme Court:

(e) For regulating any matters relating to the costs of proceedings in the Court of Appeal or the High Court:

(f) For regulating and prescribing the procedure and practice to be followed in the Court of Appeal or the High Court in cases in which the procedure or practice is regulated by enactments in force at the commencement of this Act (including so much of any of the Acts set out in the Second Schedule to this Act as is specified in the third column of that Schedule):

(g) For repealing any enactments which relate to matters with respect to which rules are made under this section:

(h) For regulating or making provision with respect to any other matters which are regulated or with respect to which provision is made by the rules of the Supreme Court in force at the commencement of this Act, or by any rules or regulations so in force with respect to practice and procedure in matrimonial causes or with respect to applications and proceedings under the Legitimacy Declaration Act, 1858.

(2) No rule of the Supreme Court which may involve an increase of expenditure out of public funds shall be made except with the concurrence of the Treasury, but the validity of a rule of the Supreme Court shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.

(3) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules) shall not apply to rules of the Supreme Court.

(4) All rules of court made before the commencement of this Act under enactments repealed by this Act, and all rules and regulations with respect to practice and procedure in matrimonial causes or with respect to applications and proceedings under the Legitimacy Declaration Act, 1858, made before the commencement of this Act under section fifty-three of the Matrimonial Causes Act, 1857, or under that section as applied by section four of the Legitimacy Declaration Act, 1858, shall notwithstanding the repeal of enactments effected by this Act, continue in force and shall have effect as if made under this section.

(5) Nothing in this section shall affect the power conferred by section two hundred and thirty-seven of the Companies (Consolidation) Act, 1908, or by section one hundred and thirty-two of the Bankruptcy Act, 1914, of making general rules for carrying into effect the objects of those Acts respectively, or the power conferred on the President by section thirty of the Court of Probate Act, 1857, as applied by section

eighteen of the Supreme Court of Judicature Act, 1875, of making rules and orders with respect to the practice and procedure in non-contentious probate business, and the power to make rules of court under this section shall not extend to the matters with respect to which rules or orders may be made by virtue of the enactments mentioned in this subsection.

16. Provision as to fixing of fees to be taken in Supreme Court.—Any enactment authorising the making of rules of court for imposing or fixing the amount of any fees to be taken in connection with proceedings in the Supreme Court shall cease to have effect, and provision for imposing or fixing the amount of the fees to which any such enactment relates may be made by means of orders under section twenty-six of the Supreme Court of Judicature Act, 1875:

Provided that nothing in this section shall—

(1) apply to the fees to be taken in connection with non-contentious probate business; or

(2) affect the validity of any such rule of court made before the commencement of this Act, and any such rule shall have effect as if it were an order made under the said section twenty-six.

17. Scheme for establishment of district probate registries.—(1) Subject as hereinafter provided in this section, the provisions of section thirteen of the Court of Probate Act, 1857, and Schedule A to that Act (which make provision with respect to the establishment of district probate registries) shall cease to have effect, and district probate registries shall be established at the places mentioned in, and otherwise in accordance with, the Scheme set out in the Third Schedule to this Act.

(2) In the case of a district probate registry to be established at a place at which there is no district probate registry at the commencement of this Act, the registry shall be established at such date as the President may, with the concurrence of the Lord Chancellor, determine, and no district probate registry established by the said section thirteen shall be discontinued until such date as may be so determined.

(3) The President may from time to time, with the concurrence of the Lord Chancellor and the Treasury, by order modify or vary the said Third Schedule:

Provided that, before any order is made under this subsection, a draft thereof shall be laid before both Houses of Parliament, and the order shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, and on the draft being so approved the order may be made in the form of the draft as approved.

(4) His Majesty may by Order in Council make such adaptations of any enactments as may appear to Him to be rendered necessary or expedient by reason of the provisions of this section.

18. Extension of power to make grants of probate and administration in district probate registries.—(1) The power of a district probate registrar to grant probate of a will or letters of administration may be exercised whether the testator or intestate, as the case may be, had or had not at the time of his death a fixed place of abode within the district of the registry, and accordingly the words "if it shall appear by affidavit of the person or some one of the persons applying for the same that the testator or intestate, as the case may be, at the time of his death had a fixed place of abode within the district in which the application is made, such place of abode being stated in the affidavit," in section forty-six of the Court of Probate Act, 1857, shall cease to have effect.

(2) Notwithstanding anything in section sixty-three of the Court of Probate Act, 1857, it shall not be necessary to give notice of a caveat entered in the principal registry to the district probate registrar of the district, if any, in which it is alleged that the deceased resided at the time of his death unless the registrar of the principal registry thinks it expedient so to do.

(3) The provisions of this section shall have effect subject to such rules and orders as may be made by the President in pursuance of section thirty of the Court of Probate Act, 1857, and shall come into operation on such date as the President, with the concurrence of the Lord Chancellor, may direct.

County Courts.

19. Trial by jury in county courts and other inferior courts of civil jurisdiction.—(1) The following provisions shall have effect in relation to the trial of actions in a county court or any other inferior court of civil jurisdiction:—

(a) In actions within the equity jurisdiction of the court, and in actions in which the amount claimed does not exceed five pounds, the trial shall, unless otherwise ordered by the court, be without a jury:

(b) Any action, not being an action to which paragraph (a) of this subsection applies, in which there is a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage, shall, if any party thereto so requires, be tried with a jury:

(c) Any action, not being an action to which paragraph (a) or paragraph (b) of this subsection applies, shall, if any party thereto so requires, be tried with a jury unless the court is satisfied on an application made by any party thereto that the action is more fit to be tried without a jury.

(2) In this section the expression "action" includes any matter or other proceeding requiring to be tried, and the expression "equity

jurisdiction" in relation to a county court means the equity jurisdiction given to county courts by section sixty-seven of the County Courts Act, 1888.

20. Amendment of s. 11 of County Courts Act, 1919.—The following proviso shall be substituted for proviso (ii) to subsection (1) of section eleven of the County Courts Act, 1919 (which relates to costs of actions commenced in the High Court which could have been commenced in a county court)—

"(ii) if in any action the claim is for a debt or liquidated demand only for a sum of twenty pounds or upwards and—

(a) the defendant pays the amount claimed or a sum of not less than twenty pounds within the time limited in that behalf by the endorsement made on the writ in accordance with the rules of the Supreme Court; or

(b) the plaintiff, within twenty-eight days after the service of the writ or within such further time as may be allowed by the court or a judge, obtains judgment in default of appearance or of defence for a sum of twenty pounds or upwards; or

(c) the plaintiff, within twenty-eight days after the service of the writ or within such further time as may be allowed by the court or a judge, obtains under any rule of the Supreme Court providing for summary judgment without trial an order empowering him to sign judgment for a sum of twenty pounds or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor;

the plaintiff shall, unless otherwise ordered by the court or a judge be entitled to costs on such scale as may be prescribed by rules of court."

21. Transfer to county court of money recovered in High Court by infants, &c.—(1) Where in any cause or matter in the King's Bench Division or in an Admiralty action in the Probate Division money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge may order the money or any part thereof to be paid into or transferred to the county court of the district in which that person resides or such other county court as the High Court or judge may order, and the money or the part thereof to which the order relates shall thereupon be paid or transferred accordingly, and shall, subject to any special order or direction of the High Court or a judge and to county court rules, be invested, applied or otherwise dealt with for the benefit of that person in such manner as the county court in its discretion thinks fit.

(2) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Act, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.

(3) The Lord Chancellor may, with the concurrence of the Treasury, by order prescribe the fees to be charged in respect of the payment and investment of money or the application thereof or dealing therewith under this section.

(4) Where before the commencement of this Act money recovered in any cause or matter in the King's Bench Division by or on behalf of a person who is an infant or of unsound mind has been paid to the Public Trustee, it shall be lawful for the Public Trustee to pay that money or so much of it as remains in his possession into the county court of the district in which that person resides, and money so transferred shall be invested, applied or dealt with in the same manner as if it had been paid into the county court under sub-section (1) of this section.

(5) County court rules may be made for the purpose of carrying into effect the provisions of this section so far as they relate to the receipt of money into county courts and the investment thereof or application thereof or dealing therewith and the duties of registrars of county courts, and any such rules may provide for the transfer of money paid into a county court under this section or the investment representing any such money from one county court to another.

Miscellaneous.

22. Registration of deeds of arrangement.—(1) The office for the registration of deeds of arrangement under the Deeds of Arrangement Act, 1914 (in this section referred to as "the Act of 1914"), shall be transferred to the Board of Trade, and the registrar for the purposes of the Act of 1914 shall be appointed by the Board of Trade, and references in that Act to the registrar of bills of sale or to the registrar for the purposes of that Act shall be construed as references to the registrar so appointed.

(2) Subsection (1) of section five of the Act of 1914 (which provides that a copy of every deed to be registered shall be presented to the registrar) shall have effect as if it provided that there shall be presented to the registrar such number of copies of the deed and of every schedule or inventory annexed thereto or referred to therein as he may deem to be necessary for the purpose of carrying out the requirements of the Act of 1914 as amended by this section.

(3) Paragraph (c) of section six of the Act of 1914 (which provides that a short statement of the nature and effect of the deed shall be entered in the register) shall cease to have effect.

(4) Subsection (2) of section twenty-six of the Act of 1914 (which provides that section twenty-six of the Supreme Court of Judicature Act, 1875, as amended by any subsequent enactment, shall apply to fees under the Act of 1914), shall apply only to fees to be taken in the Supreme Court in respect of matters arising under the Act of 1914 as amended by this section, and all other fees whatsoever to be taken under the Act of 1914 shall be prescribed by order made by the Lord Chancellor with the concurrence of the Treasury and not otherwise, and all such other fees shall be paid into such account as the Treasury may direct.

(5) Subject to the provisions of subsection (4) of this section, rules for carrying into effect the provisions of the Act of 1914, as amended by this section, other than the provisions of section seven thereof, may be made by the Lord Chancellor with the concurrence of the President of the Board of Trade, and, subject as aforesaid, the expression "prescribed" in the Act of 1914 shall mean prescribed by rules made under this subsection.

(6) This section shall be construed as one with the Act of 1914.

23. Local registration of bills of sale under Bills of Sale Act, 1878 and 1882.—(1) Section eleven of the Bills of Sale Act (1878) Amendment Act, 1882 (which makes provision for the local registration of the contents of bills of sale), shall have effect as if it required the registrar of bills of sale to transmit to county court registrars copies of the bills instead of abstracts of the contents of the bills, and references in that section to the abstract transmitted and the abstract registered shall be construed accordingly.

(2) Section ten of the Bills of Sale Act, 1878, shall have effect as though it required the presentation to the registrar on the registration of a bill of sale, in addition to the copy of the bill of sale mentioned in paragraph (2) of that section, of such number of copies of the bill and every schedule and inventory annexed thereto as the registrar may deem to be necessary for the purpose of carrying out the requirements of the said section eleven as amended by this section.

24. Administration bonds.—(1) Every person to whom a grant of administration is made shall give a bond (in this section referred to as "an administration bond") to the senior registrar of the Probate Division by the name of "the principal probate registrar," and, subject to the provisions of this section, if the principal probate registrar, or, where the grant was made in a district registry, the district probate registrar, so requires, with one or more sureties conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased.

(2) The principal probate registrar for the time being shall have power to enforce any administration bond or to assign it in accordance with the provisions of this section to some other person.

(3) An administration bond shall be in such form as may be directed by rules and orders made under section thirty of the Court of Probate Act, 1857.

(4) Where it appears to the satisfaction of the court or a judge that the condition of an administration bond has been broken, the court or judge may, on an application in that behalf, order that the bond shall be assigned to such person as may be specified in the order, and the person to whom the bond is assigned in pursuance of the order shall be entitled to sue thereon in his own name as if it had been originally given to him instead of to the principal probate registrar, and to recover thereon as trustee for all persons interested the full amount recoverable in respect of the breach of the condition thereof.

(5) Without prejudice to any proceedings instituted before the date of the commencement of this Act, any administration bond given before that date under any enactment repealed by this Act, or which is to be enforceable as if it had been given under any such enactment, may be enforced or assigned as if it had been given to the principal probate registrar under this section.

(6) Nothing in this section shall require the Solicitor for the affairs of His Majesty's Treasury, when applying for or obtaining administration for the use or benefit of His Majesty, to give an administration bond.

(7) Rules and orders may be made under section thirty of the Court of Probate Act, 1857, for providing that sureties to administration bonds shall not be required when the grant is made to a trust corporation within the meaning of the Law of Property Act, 1922, or to two or more individuals, or in any other proper case.

(8) The provisions of this section shall apply to any bond to be given by a receiver of real estate under section twenty-one of the Court of Probate Act, 1858, as they apply to an administration bond.

25. Enrolment and engrossment of instruments.—(1) Any instrument which is required or authorised under or in pursuance of the provisions of any enactment to be enrolled or engrossed or enrolled and engrossed in any manner in the Supreme Court shall be deemed to have been duly enrolled, engrossed, or enrolled and engrossed in accordance with those provisions if it is written on such material and has been filed or otherwise preserved in such manner as the Master of the Rolls may by order direct.

(2) The power of the Master of the Rolls to prescribe the fees to be paid on the enrolment and filing of deeds under section twenty of the Administration of Justice Act, 1920, shall be exercised by him subject to the concurrence of the Treasury.

26. Provision for facilitating production of documents filed in or in custody of central office.—(1) Rules may be made under this section for providing that, in any case where a document filed in or in the custody

of any department of the central office of the Supreme Court is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice, it shall not be necessary for an officer of the department, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document and that the document may be produced to the court or tribunal by sending it by registered post, together with a certificate in the form prescribed by the rules to the effect that the document has been filed in, or is in the custody of, the department, to such judge or officer of the court as may be so prescribed, and any such certificate shall be prima facie evidence of the facts stated therein.

(2) Rules made under this section may contain provisions for securing the safe custody and return to the proper department of the central office of any document sent to a court or tribunal in pursuance of the rules, and such other provisions as appear to the rule-making authority necessary or expedient for carrying this section into effect.

(3) Rules for the purposes of this section may be made by the Lord Chancellor, the Lord Chief Justice and the Senior Master of the Supreme Court (King's Bench Division), and all such rules shall be laid before Parliament.

27. Repeal of certain obsolete enactments relating to administration of justice.—Whereas the enactments set out in the Fourth Schedule to this Act have to the extent specified in the third column of that Schedule by lapse of time or otherwise become unnecessary or obsolete, and it is desirable that they should, with a view to the consolidation of the enactments relating to the Supreme Court, be forthwith repealed: Now, therefore, the enactments aforesaid shall be repealed to the extent specified as aforesaid.

28. Power to revoke and vary orders.—Any order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President may at any time be revoked, varied or amended by a subsequent order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President, as the case may be.

29. Short title, interpretation, extent, repeal and commencement.—

(1) This Act may be cited as the Administration of Justice Act, 1925.

(2) In this Act unless the context otherwise requires—

The expression "Division" means Division of the High Court: The expression "Probate Division" means Probate, Divorce and Admiralty Division:

The expression "Lord Chief Justice" means Lord Chief Justice of England:

The expression "President" means President of the Probate Division:

The expression "solicitor" means solicitor of the Supreme Court.

(3) This Act shall not extend to Scotland or Northern Ireland.

(4) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) This Act shall, save as therein otherwise expressly provided, come into operation on the first day of October, nineteen hundred and twenty-five.

SCHEDULES.

FIRST SCHEDULE.

QUALIFICATIONS FOR CERTAIN OFFICES IN THE SUPREME COURT.

Office.	Persons qualified for appointment.
1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown.	1.—(i) A practising barrister of not less than ten years' standing; or (ii) A barrister of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed in some legal capacity under the State, or who has during part of that period been employed in such a capacity and during the remainder of that period been in practice as a barrister.
2. Master, King's Bench Division (including the King's Coroner and Attorney and Master of the Crown Office).	2.—(i) A practising barrister of not less than ten years' standing; or (ii) An official referee; or (iii) A master in lunacy.
3. Official Referee	3.—(i) A practising barrister of not less than ten years' standing; or (ii) A master, King's Bench Division; or (iii) A master in lunacy.
4. Master in Lunacy	4.—(i) A practising barrister of not less than ten years' standing; or (ii) A master, King's Bench Division; or (iii) An official referee.
5. Registrar in Bankruptcy of the High Court.	5.—A practising barrister or practising solicitor of not less than ten years' standing.

Office.	Persons qualified for appointment.
6. Master, Chancery Division.	6.—(i) A practising solicitor of not less than years' standing; or (ii) A master, Taxing Office, provided he has been a practising solicitor of not less than ten years' standing; or (iii) The official solicitor to the Supreme Court, provided he has been a practising solicitor of not less than ten years' standing.
7. Master, Taxing Office.	7.—(i) A practising solicitor of not less than ten years' standing; or (ii) An admitted solicitor of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy or assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and during the remainder of that period been in practice as a solicitor, provided that there shall at no time be more than one taxing master who shall have been appointed by virtue of the qualification specified in this paragraph; or (iii) A master, Chancery Division; or (iv) The official solicitor to the Supreme Court, provided he has been a practising solicitor of not less than ten years' standing.
8. Legal Visitor in Lunacy.	8. A practising barrister or practising solicitor of not less than ten years' standing.
9. Official Solicitor to the Supreme Court.	9.—(i) A practising solicitor of not less than ten years' standing; or (ii) An admitted solicitor of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy or assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and during the remainder of that period been in practice as a solicitor; or (iii) A master, Chancery Division; or (iv) A master, Taxing Office.

For the purposes of this Schedule, any persons who, having been called to the bar or admitted as solicitors before the fourth day of August, nineteen hundred and fourteen, have practised as barristers or solicitors for a period of, or periods amounting in the aggregate to, not less than ten years shall, if they served in His Majesty's Forces in the late war, be deemed to be practising barristers and practising solicitors respectively.

SECOND SCHEDULE.

ENACTMENTS CONTAINING AND REGULATING MATTERS WITH RESPECT TO WHICH RULES OF COURT MAY BE MADE.

Session and Chapter.	Title or Short Title.	Enactments affected.
4 Will. & Mar. c. 18.	An Act to prevent malicious informations in the Court of King's Bench.	The whole Act so far as unrepealed.
8 & 9 Will. 3. c. 11.	An Act for the better preventing of frivolous and vexatious suits.	The whole Act so far as unrepealed.
4 & 5 Anne. c. 3.	An Act for the Amendment of the Law and the better Advancement of Justice.	Sections twelve and thirteen.
7 Geo. 2. c. 20.	The Mortgage Act, 1733.	The whole Act.
39 & 40 Geo. 3. c. 36.	The Transfer of Stock Act, 1800.	The whole Act so far as unrepealed.
10 Geo. 4. c. 13.	The Court Funds Act, 1829.	The whole Act so far as unrepealed.
11 Geo. 4. & 1 Will. 4. c. 36.	The Contempt of Court, Act, 1830.	The whole Act so far as unrepealed.
2 & 3 Will. 4. c. 58.	The Contempt of Court Act, 1832.	The whole Act so far as unrepealed.

Session and Chapter.	Title or Short Title.	Enactments Affected.
3 & 4 Will. 4. c. 42.	The Civil Procedure Act, 1833.	Sections sixteen and eighteen.
1 & 2 Vict. c. 110.	The Judgments Act, 1839.	Sections fourteen and fifteen.
3 & 4 Vict. c. 63.	The Admiralty Court Act, 1840.	Sections seven, eight, and nine.
3 & 4 Vict. c. 82.	The Judgments Act, 1840.	The whole Act so far as unrepealed.
5 Vict. c. 5.	The Court of Chancery Act, 1841.	Section four.
5 & 6 Vict. c. 98.	The Exchequer Court Act, 1842.	The whole Act so far as unrepealed.
5 & 6 Vict. c. 97.	The Limitations of Actions and Costs Act, 1842.	Sections four and five.
12 & 13 Vict. c. 109.	The Petty Bag Act, 1849.	The whole Act so far as unrepealed.
15 & 16 Vict. c. 76.	The Common Law Procedure Act, 1852.	Sections one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-two, two hundred and ten to two hundred and fourteen, and two hundred and seventeen to two hundred and twenty.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections twenty-four, twenty-six and thirty-one.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-nine, forty-one to forty-four, forty-six, and forty-nine.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	Section three.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Section twenty-three.
21 & 22 Vict. c. 108.	The Matrimonial Causes Act, 1858.	Section thirteen.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Section seventeen.
23 & 24 Vict. c. 149.	The Court of Chancery Act, 1860.	Sections two, three, five, and six.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections sixteen, eighteen, twenty-five, twenty-six, twenty-eight, thirty-three, and thirty-four.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Sections forty-six, sixty-four and sixty-six.

THIRD SCHEDULE.

SCHEME FOR ESTABLISHMENT OF DISTRICT PROBATE REGISTRIES.

Group.	Registries.	Sub-registries.
1	Newcastle	{ Bangor. Shrewsbury. Derby.
	Durham	
	Carlisle	
2	Leeds	
	Sheffield	
3	York	{ Hereford. Gloucester. Carmarthen. Bodmin. Salisbury
4	Manchester	
	Liverpool	
	Lancaster	
5	Chester	
6	Lincoln	{ Northampton.
	Nottingham	
	Leicester	
7	Peterborough	
	Norwich	
8	Ipswich	{ Hereford. Gloucester. Carmarthen. Bodmin. Salisbury
	Birmingham	
	Oxford	
9	Cardiff	
	Bristol	
10	Exeter	{ Northampton.
	Southampton	
11	Lewes	

NOTES.

1. The place first mentioned in the second column of the foregoing Table in relation to each group shall be the chief registry of the group, and the registrar of that place shall by virtue of his office be the registrar of the other registries and of any sub-registries in the group.

2. If the President, with the concurrence of the Lord Chancellor and the Treasury and after consultation with the council of the borough of Cardiff, thinks fit so to direct, Llandaff shall be substituted for Cardiff as the chief registry of Group 9.

3. In addition to the places mentioned in the third column of the said Table, there shall be a district probate sub-registry at Canterbury which shall be under the management of the principal probate registry.

FOURTH SCHEDULE.

OBSOLETE ENACTMENTS.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Eliz. c. 2.	An Act whereby the Defendant may recover his Costs being wrongfully vexed.	The whole Act.
34 Geo. 3 c. 58.	The Lancaster Palatine Courts Act, 1794.	The whole Act.
7 Will. 4 & 1 Vict. c. 30.	The Superior Courts (Officers) Act, 1837.	Section nineteen.
3 & 4 Vict. c. 63.	The Admiralty Court Act, 1840.	Sections twenty and twenty-one.
5 & 6 Vict. c. 103.	The Court of Chancery Act, 1842.	In section eleven the words from "and every solicitor" to the end of the section.
15 & 16 Vict. c. 73.	The Common Law Courts Act, 1852.	Section twenty-six.
15 & 16 Vict. c. 90.	The Court of Chancery Act, 1852.	Sections nineteen, twenty and twenty-three.
15 & 16 Vict. c. 87.	The Court of Chancery Act, 1852.	Sections three and four.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections eighty-eight and ninety-four.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-seven, thirty-eight, and forty.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Sections seventeen and twenty-eight.
21 & 22 Vict. c. 108.	The Matrimonial Causes Act, 1858.	Sections five and fourteen.
23 & 24 Vict. c. 149.	The Court of Chancery Act, 1860.	Section nine.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections thirteen, twenty-one, twenty-three, and thirty.
30 & 31 Vict. c. 87.	The Court of Chancery (Officers) Act, 1867.	The whole Act.
32 & 33 Vict. c. 89.	The Clerks of Assize, &c., Act, 1869.	Paragraph (2) of section three.
32 & 33 Vict. c. 91.	The Courts of Justice (Salaries and Pensions) Act, 1869.	Section eight.
35 & 36 Vict. c. 44.	The Court of Chancery (Funds) Act, 1872.	Section twenty-five.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	In section twenty-nine the words from "and subject to any restrictions" to the end of the section, in section thirty-two the words from "and such Order" to the words "and patronage but," in section thirty-three the words from "every document" to the end of the section, section forty-four, in section fifty-two the words "or a Divisional Court thereof," and in section eighty-four the words from the beginning of the section to the words "from time to time determine."
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	In paragraph 1 of section twenty-three the words from "and in particular" to the words "any of them."
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879.	In section ten the words "or has practised" for five years as a special pleader or "as a special pleader and barrister," and sections sixteen and twenty-six.
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section eleven.
53 & 54 Vict. c. 44.	The Supreme Court of Judicature Act, 1890.	Section two.
54 & 55 Vict. c. 14.	The Supreme Court of Judicature (London Causes) Act, 1891.	The whole Act.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Will. 4 and 1 Vict. c. 30.	The Superior Courts (Officers) Act, 1837.	Section thirteen.
3 & 4 Vict. c. 63.	The Admiralty Court Act, 1840.	Section eighteen.
5 & 6 Vict. c. 103.	The Court of Chancery Act, 1842.	Section six.
15 & 16 Vict. c. 80.	The Court of Chancery Act, 1852.	Sections seventeen and twenty-one.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections nineteen and eighty-one, and, as from the date on which section eighteen of this Act comes into operation, in section forty-six the words from "if it shall appear" to "stated in the "affidavit" section forty-seven, and in section forty-nine the words "and the "place of his abode at his decease as "stated in the affidavit made in support "of such application."
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-six, fifty-three, fifty-four and sixty-seven.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	In section four the words from "and the "powers" to the words "before the "court."
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Section fifteen, in section twenty-one the words from "and the Court" to the end of the section and, as from the date on which section eighteen of this Act comes into operation, in section twenty the words from "and for and in respect "of," to the end of the section.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	In section twenty-seven, the words "or "deputy."

Session and Chapter.	Short Title.	Extent of Repeal.
32 & 33 Vict. c. 91.	The Courts of Justice (Salaries and Funds) Act, 1869.	Section fourteen so far as it relates to officers of the Supreme Court.
35 & 36 Vict. c. 44.	The Court of Chancery (Funds) Act, 1872.	In section eight the words from "and" "shall" to the end of the section, the first paragraph of section nineteen, and section twenty.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Section eight, in paragraph (2) of section thirty-four the words "except appeals" "from county courts," in section sixty the words from "and Her Majesty" to the end of that section, in section eighty-three the words "and the" "qualifications," and in section eighty-four the words from "any officer of the" "Supreme Court" to "order of" "removal."
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	Sections thirteen, seventeen, eighteen, twenty-two and twenty-four.
39 & 40 Vict. c. 59.	The Appellate Jurisdiction Act, 1876.	Section sixteen, in section seventeen the words from "and rules of court for" to the end of the section and section twenty-two.
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879.	Subsection (4) of section nine, sections ten, eleven, thirteen, eighteen and twenty-two.
44 & 45 Vict. c. 59.	The Statute Law Revision and Civil Procedure Act, 1881.	In section six the words from "matters" "with respect" to the words "and to" "all."
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section twenty-two.
46 & 47 Vict. c. 29.	The Supreme Court of Judicature (Funds, etc.) Act, 1883.	Subsection (2) of section four.
46 & 47 Vict. c. 49.	The Statute Law Revision and Civil Procedure Act, 1883.	Section six.
47 & 48 Vict. c. 20.	The Greek Marriages Act, 1884.	In section one the words from "or with" "such rules" to the end of the section.
47 & 48 Vict. c. 61.	The Supreme Court of Judicature Act, 1884.	Section twenty-three.
52 & 53 Vict. c. 49.	The Arbitration Act, 1889.	Section twenty-one.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890.	In subsection (3) of section one hundred and eleven the words "must be a barrister of not less than ten years' standing and" and in subsection (5) of that section the words "number and," and in subsection (2) of section one hundred and sixty-three the words "being a barrister of not less than five years' standing."
53 & 54 Vict. c. 44.	The Supreme Court of Judicature Act, 1890.	Section three.
57 & 58 Vict. c. 16.	The Supreme Court of Judicature (Procedure) Act, 1894.	Section five and the Schedule.
58 & 59 Vict. c. 39.	The Summary Jurisdiction (Married Women) Act, 1895.	In section eleven the words from "rules of court" to the end of the section.
8 Edw. 7. c. 47	The Lunacy Act, 1903	Section four.
8 Edw. 7. c. 69	The Companies (Consolidation) Act, 1908.	In subsection (1) of section two hundred and thirty-eight, the words "and fees" so far as they relate to the High Court.
4 & 5 Geo. 5. c. 47.	The Deeds of Arrangement Act, 1914.	Section four, in subsection (1) of section five the words from "in like manner" to the words "to be filed," paragraph (c) of section six, in subsection (4) of section thirteen the words from "and the" to the end of the section, in section twenty-seven the words from "and for the purposes" to the end of the section, section twenty-eight, in section twenty-nine the words from "but this" to the end of the section, and in section thirty the interpretation of "prescribed." The whole Act.
9 & 10 Geo. 5. c. 26.	The Grant of Administration (Bonds) Act, 1919.	The whole Act.
10 & 11 Geo. 5. c. 81.	The Administration of Justice Act, 1920.	Section two, subsection (1) of section three, and section eighteen.
12 & 13 Geo. 5. c. 16.	The Law of Property Act, 1922.	In subsection (9) of section one hundred and fifty-six the words from "and for dispensing" to the end of the subsection.

CHAPTER 29.

GOLD STANDARD ACT, 1925.

An Act to facilitate the return to a gold standard and for purposes connected therewith. [13th May, 1925].

1. *Issue of gold coin suspended and right to purchase gold bullion.*—

(1) Unless and until His Majesty by Proclamation otherwise directs—
(a) The Bank of England, notwithstanding anything in any Act, shall not be bound to pay any note of the Bank (in this Act referred to as "a bank note") in legal coin within the meaning of section six of the Bank of England Act, 1833, and bank notes shall not cease to be legal tender by reason that the Bank do not continue to pay bank notes in such legal coin;

(b) Subsection (3) of section one of the Currency and Bank Notes Act, 1914 (which provides that the holder of a currency note shall be entitled to obtain payment for the note at its face value in gold coin) shall cease to have effect:

(c) Section eight of the Coinage Act 1870 (which entitles any person bringing gold bullion to the Mint to have it assayed, coined and delivered to him) shall, except as respects gold bullion brought to the Mint by the Bank of England, cease to have effect.

(2) So long as the preceding subsection remains in force, the Bank of England shall be bound to sell to any person who makes a demand in that behalf at the head office of the Bank during the office hours of the Bank, and pays the purchase price in any legal tender, gold bullion at the price of three pounds, seventeen shillings and tenpence halfpenny per ounce troy of gold of the standard of fineness prescribed for gold coin by the Coinage Act, 1870, but only in the form of bars containing approximately four hundred ounces troy of fine gold.

2. *Power for Treasury to borrow for exchange operations.*—(1) Any money required for the purpose of exchange operations in connection with the return to a gold standard may be raised within two years after the passing of this Act in such manner as the Treasury think fit, and for that purpose they may create and issue either within or without the United Kingdom and either in British or in any other currency, such securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as they think fit, and may guarantee in such manner and on such terms and conditions as they think proper the payment of interest and principal of any loan which may be raised for such purpose as aforesaid:

Provided that any securities created or issued under this section shall be redeemed within two years of the date of their issue, and no guarantee shall be given under this section so as to be in force after two years from the date upon which it is given.

(2) The principal and interest of any money raised under this Act, and any sums payable by the Treasury in fulfilling any guarantee given under this Act, together with any expenses incurred by the Treasury in connection with, or with a view to the exercise of, their powers under this section shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof.

(3) Where by any Appropriation Act passed after the commencement of this Act power is conferred on the Treasury to borrow money up to a specified amount, any sums which may at the time of the passing of that Act have been borrowed or guaranteed by the Treasury in pursuance of this section and are then outstanding shall be treated as having been raised in exercise of the power conferred by the said Appropriation Act and the amount which may be borrowed under that Act shall be reduced accordingly.

3. *Short title.*—This Act may be cited as the Gold Standard Act, 1925.

CHAPTER 30.

IMPORTATION OF PEDIGREE ANIMALS ACT, 1925.

An Act to amend the law with respect to the landing in Great Britain of pedigree animals brought from His Majesty's dominions.

[28th May, 1925.]

1. *Power of Minister to allow importation of pedigree animals.*—

(1) Subject to the provisions of this section, the Minister of Agriculture and Fisheries (hereinafter referred to as the Minister) may make orders for allowing, subject to such conditions as may be prescribed by any such order, any cattle, sheep, goats or swine brought from any part of His Majesty's dominions, which are shown to his satisfaction to be there registered as pedigree stock in a herd or flock book recognised by him after consultation with the Royal Agricultural Society of England and the Highland and Agricultural Society of Scotland, to be landed in Great Britain without being subject to the provisions of Part I of the Third Schedule to the Diseases of Animals Act, 1894 (which relate to slaughter at the port of landing), but subject to the provisions of Part II of that Schedule (which relate to quarantine):

Provided that no such order shall be made except with respect to animals brought from a part of His Majesty's dominions in which pedigree animals brought from Great Britain are allowed to be landed either unconditionally or subject to conditions (including rates of import duties) which in the opinion of the Minister are not unduly restrictive.

(2) The section which by the Diseases of Animals Act, 1896, is substituted for section twenty-four of the Diseases of Animals Act, 1894, shall have effect as if paragraph (b) thereof extended to any animals allowed to be landed under this Act in like manner as it extends to animals the landing of which is allowed under the Diseases of Animals Act, 1894.

(3) Section five of the Importation of Animals Act, 1922 (Session 2) (which provides that compensation shall not be payable in respect of the slaughter of imported animals in certain cases), shall apply in respect of any imported animal which having been allowed to be landed under this Act is slaughtered in a quarantine station by reason of the animal being diseased, or suspected of having been exposed to the infection of any disease.

(4) Notwithstanding anything in the Importation of Animals Act, 1922 (Session 2), the provisions contained in the Schedule so that Act (which relate to the regulation of movement of imported cattle) shall not

apply to any animals allowed to be landed under this Act except in so far as they may be applied with or without modifications by the order allowing the animals to be landed.

2. *Interpretation and extent.*—For the purposes of this Act the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

3. *Short title and construction.*—This Act may be cited as the Importation of Pedigree Animals Act, 1925, and shall be construed as one with the Diseases of Animals Act, 1894, and the Diseases of Animals Acts, 1894 to 1922, and this Act may be cited together as the Diseases of Animals Acts, 1894 to 1925.

CHAPTER 31.

PROTECTION OF BIRDS ACT, 1925.

An Act to provide for the further protection of birds. [28th May 1925.]

1. *Illegal method of taking birds.*—(1) If any person shall use as a decoy any live bird which is tethered or is secured by means of braces or other similar appliances or which is blind, maimed, or injured, or shall use bird-lime or any substance of a like nature for the purpose of taking or capturing alive or attempting to take or capture alive any wild bird, he shall be guilty of an offence against this Act.

(2) When any person is convicted of any offence under this section the court may, in addition to any penalty that may be imposed, order any live decoy bird used by such person for the purpose of taking or attempting to take any wild bird to be forfeited and disposed of as the court may direct.

2. *Illegal confinement of birds.*—(1) If any person shall keep or confine a bird in any cage or other receptacle which shall not measure sufficient in height, length and breadth to permit the said bird freely to stretch its wings, he shall be guilty of an offence against this Act.

(2) This section shall not apply to poultry within the meaning of the Poultry Act, 1911, or to any bird kept or confined in a cage or other receptacle which does not comply with the conditions mentioned in the last preceding subsection—

(a) Whilst being conveyed by land or water; or

(b) Whilst being shown for the purpose of public exhibition or competition if the time during which it is so kept or confined does not in the whole exceed seventy-two hours.

3. *Penalties.*—If any person shall be guilty of an offence against this Act, he shall be liable upon summary conviction to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to be imprisoned with or without hard labour for any term not exceeding three months.

4. *Short title and extent.*—(1) This Act may be cited as the Protection of Birds Act, 1925.

(2) This Act shall not apply to Northern Ireland.

(3) The provisions of this Act shall be in addition to and not in derogation of the provisions of any other enactment imposing penalties for offences of cruelty to birds.

CHAPTER 32.

RENT AND MORTGAGE INTEREST (RESTRICTIONS CONTINUATION) ACT, 1925.

An Act to prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by any subsequent enactment, and to postpone the date of expiry of Part II of the Rent and Mortgage Interest Restrictions Act, 1923, and for purposes consequential thereon. [28th May, 1925.]

1. *Prolongation of 10 & 11 Geo. 5, c. 17, and Part II of 13 & 14 Geo. 5, c. 32.*—(1) The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, as amended by any subsequent enactment, shall continue in force until the twenty-fifth day of December, nineteen hundred and twenty-seven, and in Scotland until the twenty-eighth day of May nineteen hundred and twenty-eight.

(2) Part II of the Rent and Mortgage Interest Restrictions Act, 1923, shall continue in force until five years after the expiration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, so amended as aforesaid.

(3) Accordingly the Rent and Mortgage Interest Restrictions Act, 1923, shall have effect as if—

(a) in section one thereof for the reference to the twenty-fourth day of June, nineteen hundred and twenty-five, there were substituted a reference to the twenty-fifth day of December, nineteen hundred and twenty-seven;

(b) in section two thereof for the words "after the twenty-fourth day of June, nineteen hundred and twenty-six" there were substituted the words "not earlier than one year after the date fixed at the time at which the lease is granted for the expiration of the principal Act";

(c) in section seventeen thereof for the reference to the twenty-fourth day of June, nineteen hundred and thirty, there were substituted a reference to five years after the expiration of the principal Act;

(d) in section twelve thereof for the references to the twenty-fourth day of June, nineteen hundred and twenty-five, there were substituted references to the day at the end of which the principal Act expires;

(e) in section nineteen thereof at the beginning of paragraph (a) there were inserted the words "the twenty-eighth day of May, nineteen hundred and twenty-eight, shall be substituted for the twenty-fifth day of December, nineteen hundred and twenty-seven."

2. *Short title.*—This Act may be cited as the Rent and Mortgage Interest (Restrictions Continuation) Act, 1925; and the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1924, and this Act may be cited together as the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925.

CHAPTER 33.

CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT, 1925. (15 & 16 Geo. 5, Ch. 33.)

[This Act relates to Scotland alone.]

CHAPTER 34.

THE NORTHERN IRELAND LAND ACT, 1925.

(15 & 16 Geo. 5, Ch. 34.)

[This Act relates only to Northern Ireland.]

CHAPTER 35.

POOR LAW EMERGENCY PROVISIONS CONTINUANCE (SCOTLAND) ACT, 1925.

An Act to extend further the duration of the Poor Law Emergency Provisions (Scotland) Act, 1921, and to amend certain provisions of that Act as amended by the Local Authorities (Emergency Provisions) Act, 1923, and the Poor Law Emergency Provisions Continuance (Scotland) Act, 1924. [28th May, 1925.]

1. *Continuance subject to amendment of 11 & 12 Geo. 5, c. 64.*—The Poor Law Emergency Provisions (Scotland) Act, 1921, as amended by section three of the Local Authorities (Emergency Provisions) Act, 1923, and section one of the Poor Law Emergency Provisions Continuance (Scotland) Act, 1924, shall continue in force until the fifteenth day of May, nineteen hundred and twenty-seven, subject to the following modification:—

the power conferred on a parish council by section three of the Local Authorities (Emergency Provisions) Act, 1923, to make arrangements with a local authority for the employment by such authority of destitute able bodied persons out of employment and applying for relief on any work of public utility instituted for the relief of distress due to unemployment and to contribute towards the expenditure of such authority on such work shall be exercisable whether the work is carried out by means of labour employed directly by the authority or by means of labour employed by a person contracting with the authority for the execution of the work, and the proviso to paragraph (a) of the said section three (which provides that no contribution shall be made by a council unless the work is carried out by means of labour employed directly by the authority) shall cease to have effect.

2. *Short title.*—This Act may be cited as the Poor Law Emergency Provisions Continuance (Scotland) Act, 1925.

CHAPTER 36.

FINANCE ACT, 1925.

(15 & 16 Geo. 5, Ch. 36.)

CHAPTER 37.

MERCHANT SHIPPING (EQUIVALENT PROVISIONS) ACT, 1925.

An Act to provide for the exemption, in certain circumstances, of Foreign ships, and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts. [31st June, 1925.]

1. *Power to exempt foreign ships from certain provisions of Merchant Shipping Acts.*—Where His Majesty is satisfied that—

(a) ships of a foreign country are required by the law of that country to comply with any provisions which are substantially the same as or equally effective with any provisions of the Merchant Shipping Acts which apply to foreign ships while they are within a port of the United Kingdom; and

(b) that country has made or has undertaken to make provision for the exemption of British ships, while they are within a port of that country, from the corresponding requirement of the law of that country;

His Majesty may, by Order in Council, direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship of that country within a port of the United Kingdom if it is proved that the ship complies with the corresponding provision of the law of that country applicable to that ship.

2. *Power to exempt British ships registered out of the United Kingdom from certain provisions of Merchant Shipping Acts.*—Where His Majesty is satisfied that British ships registered in a part of His Majesty's dominions outside the United Kingdom, or ships registered in a port of a territory over which His Majesty exercises jurisdiction, are required by the law of that part of His Majesty's dominions or the law in force in that territory to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of the Merchant Shipping Acts which apply to such ships if, but only if, they are within a port of the United Kingdom, His Majesty may, by Order in Council, direct that any such provisions of the Merchant Shipping Acts as aforesaid shall not apply to any ship registered in that part of His Majesty's dominions, or in that territory, whilst within a port in the United Kingdom, if it is proved that the ship complies with the corresponding provision of the law of the part of His Majesty's dominions or territory in which the ship is registered.

3. *Short title, construction, &c.*—(1) This Act may be cited as the Merchant Shipping (Equivalent Provisions) Act, 1925, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1923, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925.

(2) In this Act the expression "the Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1923, and includes any Orders in Council, rules and regulations made thereunder, and the expression "United Kingdom" means Great Britain and Northern Ireland.

CHAPTER 38.

PERFORMING ANIMALS (REGULATION) ACT, 1925.

An Act to regulate the Exhibition and Training of Performing Animals.
[30th June, 1925.]

1. *Restriction on exhibition and training of performing animals.*—

(1) No person shall exhibit or train any performing animal unless he is registered in accordance with this Act.

(2) Every local authority shall keep a register for the purpose of this Act, and any person who exhibits or trains animals as aforesaid on making an application in the prescribed form to the local authority of the district in which he resides, or if he has no fixed place of residence in Great Britain, to the local authority of such one of the prescribed districts as he may choose, and on payment of the prescribed fee shall be registered under this Act, unless he is a person, who, in pursuance of an order of the court made under this Act, is prohibited from being so registered.

(3) Any application for registration under this Act shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register.

(4) The local authority shall give to every person whose name appears on the register kept by them a certificate of registration in the prescribed form containing the particulars entered in the register.

(5) Every register kept under this Act shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall on payment of the prescribed fee be entitled to take copies thereof or make extracts therefrom.

(6) Any person entered on the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied the existing certificate shall be cancelled and a new certificate issued.

(7) A copy of every certificate of registration issued by a local authority shall be transmitted by the authority to the Secretary of State and shall be available for inspection at all reasonable times subject to payment of the prescribed fee.

2. *Power of courts to prohibit or restrict exhibition and training of performing animals.*—(1) Where it is proved to the satisfaction of a court of summary jurisdiction on a complaint made by a constable or an officer of a local authority that the training or exhibition of any performing animal has been accompanied by cruelty and should be prohibited or allowed only subject to conditions, the court may make an order against the person in respect of whom the complaint is made prohibiting the training or exhibition or imposing such conditions thereon as may be specified by the order.

(2) If any person is aggrieved by the making of such an order or a refusal to make such an order, he may appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

(3) An order made under this Act shall not come into force until seven days after it is made, or, if an appeal has been entered within that period, until the determination of the appeal.

(4) Any court by which an order is made under this section shall cause a copy of the order to be sent as soon as may be after the order comes into force to the local authority by which the person against whom the order is made is registered and to the Secretary of State, and shall cause the particulars of the order to be endorsed upon the certificate held by that person, and that person shall produce his certificate on being so required by the court for the purposes of endorsement. A local authority to which a copy of an order is sent under this section shall enter the particulars of the order on the register.

3. *Power to enter premises.*—(1) Any officer of a local authority duly authorised in that behalf by the local authority and any constable may—

(a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited, or kept for training or exhibition, and any such animals found therein; and

(b) require any person who he has reason to believe is a trainer or exhibitor of performing animals to produce his certificate.

(2) No constable or such officer as aforesaid shall be entitled under this section to go on or behind the stage during a public performance of performing animals.

4. *Offences and legal proceedings.*—(1) If any person—

(a) not being registered under this Act exhibits or trains any performing animal; or

(b) being registered under this Act exhibits or trains any performing animal with respect to which or in a manner with respect to which he is not registered; or

(c) being a person against whom an order by a court of summary jurisdiction has been made on complaint under this Act, contravenes or fails to comply with the order in any part of Great Britain, whether within or without the area of jurisdiction of that court; or

(d) obstructs or wilfully delays any constable or officer of a local authority in the execution of his powers under this Act as to entry or inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under this Act, on being duly required in pursuance of this Act to produce his certificate under this Act fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when prohibited from being so registered;

he shall be guilty of an offence against this Act and shall be liable on summary conviction upon a complaint made by a constable or an officer of a local authority to a fine not exceeding fifty pounds.

(2) Where a person is convicted of an offence against this Act, or against the Protection of Animals Act, 1911, as amended by any subsequent enactment, the court before which he is convicted may in addition to or in lieu of imposing any other penalty—

(a) if such person is registered under this Act order that his name be removed from the register;

(b) order that such person shall either permanently or for such time as may be specified in the order be disqualified for being registered under this Act;

and where such an order is made, the provisions of subsections (2), (3) and (4) of section two of this Act shall apply to the order as they apply to an order made under that section.

5. *Interpretation, rules, and expenses.*—(1) For the purposes of this Act—

The expression "animal" does not include invertebrates;

The expression "exhibit" means exhibit at any entertainment to which the public are admitted, whether on payment of money or otherwise, and the expression "train" means train for the purpose of any such exhibition and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings;

The expression "local authority" means—

As respects the City of London, the common council;

As respects any county borough, the council of the borough;

As respects any other area, the council of the county;

The expression "prescribed" means prescribed by rules made by the Secretary of State.

(2) The Secretary of State may make rules for prescribing anything which is to be prescribed under this Act, and as to the execution and performance by local authorities of their powers and duties under this Act, and generally for carrying this Act into effect.

(3) Any expenses of a local authority under this Act, so far as not covered by fees, shall be defrayed in the case of the common council of the City of London, out of the general rate; in the case of the council of a county borough, out of the borough fund or borough rate; and in the case of the council of a county, out of the county fund; and the fee for registration shall in no case exceed one guinea.

6. *Application to Scotland.*—This Act shall apply to Scotland subject to the following modifications:—

(a) The expression "local authority" means a county council or a town council, and any expenses incurred by any such council under this Act so far as not covered by fees, shall be defrayed, in the case of a county council, out of the general purposes rate, and in the case of

a town council, out of the burgh general improvement assessment or any other assessment leviable in equal proportions on owners and occupiers;

(b) References to a court of summary jurisdiction shall be construed as references to the sheriff; references to an appeal to quarter sessions shall not apply; and the Protection of Animals (Scotland) Act, 1912, shall be substituted for the Protection of Animals Act, 1911.

7. *Exceptions from application of Act.*—This Act shall not apply to animals for bona fide military, police, agricultural or sporting purposes, or the exhibition of any animals so trained.

8. *Short title, commencement, and extent.*—(1) This Act may be cited as the Performing Animals (Regulation) Act, 1925.

(2) This Act shall not apply to Northern Ireland.

(3) This Act shall come into operation on the first day of January nineteen hundred and twenty-six.

CHAPTER 39.

AGRICULTURAL RETURNS ACT, 1925.

An Act to facilitate the preparation of Agricultural Statistics.

[30th June, 1925.]

1. *Power to require returns.*—(1) The Minister of Agriculture and Fisheries may annually, by notice served on the occupier of any agricultural land in England or Wales or on the person having the management on behalf of the occupier of any such land, require him to make within such time, not being less than twenty-one days, as is specified in the notice, and in such form and to such person as the Minister may prescribe by regulations made under this Act, a return in writing of the acreage of land in cultivation, specifying the acreage of the several crops thereon, and of the acreage of land in fallow or used for grazing and of the live stock on the land, and of the persons employed thereon, showing separately the numbers of persons in regular and in casual employment, and, if the occupier is also the owner of the land, that fact shall be stated in the return.

The return shall be made with respect to the conditions existing on such day as may be specified in the notice.

(2) No individual return or part of a return made under this Act shall be used, published or disclosed without the authority of the person making it or of the occupier on whose behalf it is made, except for the purposes of the preparation and publication by the Minister of agricultural statistics or of a prosecution under this Act.

(3) (a) Any person who refuses, or without lawful excuse, neglects to make a return required under this Act to be made by him shall be liable on summary conviction to a fine not exceeding five pounds.

(b) If any person makes a return under this Act which is to his knowledge untrue in any material particular, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Any person who uses, publishes, or discloses contrary to the provisions of this Act any individual return or part of a return shall be liable on summary conviction to a fine not exceeding fifty pounds, or if the court is of opinion that the offence was committed wilfully, to imprisonment with or without hard labour for a period not exceeding three months.

(5) This section does not apply in any case where the total acreage of the agricultural land occupied by a person does not exceed one acre.

(6) Any notice under this Act may be served on the person to whom it is addressed either personally or by post, and, in the case of a notice to an occupier, may be addressed to "the occupier" without naming him.

(7) The expression "agricultural land" includes land used as grazing, meadow, or pasture land, or orchard, and any land used wholly or mainly for the purpose of the trade or business of a market gardener or nurseryman.

(8) Before any regulation is made under this Act, a draft thereof shall be laid before each House of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat against the draft or any part thereof, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft.

2. *Application to Scotland and extent.*—(1) This Act in its application to Scotland shall have effect with the substitution of references to the Board of Agriculture for Scotland for references to the Minister of Agriculture and Fisheries and of a reference to Scotland for the reference to England or Wales, and with the further modification that the definition of agricultural land shall be extended so as to include land used as a deer forest.

(2) This Act shall not extend to Northern Ireland.

3. *Short title.*—This Act may be cited as the Agricultural Returns Act, 1925.

CHAPTER 40.

VALUATION (METROPOLIS) AMENDMENT ACT, 1925.

An Act to amend the Third Schedule to the Valuation (Metropolis) Act, 1869, in relation to the making and revision of the valuation list which will come into force on the sixth day of April, nineteen hundred and twenty-six.

[30th June, 1925.]

1. *Amendment of Schedule III of 32 & 33 Vict. c. 67.*—(1) The Valuation (Metropolis) Act, 1869, (in this Act referred to as "the principal Act") shall, for the purpose of the making of the valuation list thereunder which will come into force on the sixth day of April, nineteen hundred and twenty-six, and for the purpose of the revision of that list (but not including the making of a new valuation list), have effect as if for the Third Schedule to the principal Act (which Schedule shows the several classes into which the hereditaments inserted in a valuation list under the principal Act are to be divided and the maximum rate of deductions which may be allowed for the purpose of ascertaining rateable value) there were as respects the classes of hereditaments therein numbered 1, 2, 3, 4, and 5 (including houses and buildings let out in separate tenements), substituted the provision contained in Part I of the Schedule to this Act:

Provided that—

(a) where the rateable value of any hereditament if calculated on the basis of allowing a deduction from gross value at the maximum rate authorised by Part I of the Schedule to this Act (hereinafter referred to as "the normal rateable value") would exceed the rateable value which would be produced by taking the gross value of the hereditament its gross value as ultimately appearing on the valuation list which came into force on the sixth day of April, nineteen hundred and sixteen, increased by forty per cent. (in this Act referred to as "the increased gross value") and deducting from the increased gross value an amount equal to the maximum deduction allowed under Part II of the said Schedule, the normal rateable value may, unless the case is one to which paragraph (b) hereinafter contained applies, be reduced to an amount not less than the rateable value which would be produced as aforesaid; and

(b) in the case of a hereditament which was not included in the said valuation list or the gross value of which as shown in the said valuation list has been increased by reason of structural alterations or has been increased by more than forty per cent., there may, instead of the deduction at the rate authorised by Part I of the said Schedule, be allowed as a deduction for the purpose of ascertaining rateable value such an amount as appears equitable having regard to all the circumstances of the case but not exceeding the maximum amount which would be allowed by way of deduction under the scale contained in Part II of the said Schedule if the said Part II referred to the gross value of the hereditament to be entered in the new valuation list instead of to increased gross value; and

(c) if in the case of any hereditament being or forming part of a house or building let out in separate tenements the rateable value which would be produced under this Act exceeds the rateable value which would have been produced under the provisions of the principal Act, the rateable value of the hereditament shall be determined in accordance with those provisions.

(2) Where the amount of the rateable value calculated in accordance with the provisions of the principal Act, as amended by this Act, includes a fraction of a pound, that fraction shall be disregarded and the amount to be entered in the valuation list reduced accordingly.

2. *Short title.*—This Act may be cited as the Valuation (Metropolis) Amendment Act, 1925.

SCHEDULE.

PART I.

Class of Hereditaments.	Maximum Amount of Deduction.
CLASS 1.—Houses and buildings without land other than gardens where the gross value does not exceed £40.	An amount equal to $\frac{1}{4}$ of the gross value.
CLASS 2.—Houses and buildings without land other than gardens where the gross value exceeds £40 but does not exceed £100.	£10 or an amount equal to $\frac{1}{4}$ of the gross value, whichever is the greater.
CLASS 3.—Houses and buildings without land other than gardens where the gross value exceeds £100.	£20, together with an amount equal to $\frac{1}{4}$ of the amount by which the gross value exceeds £100.

PART II.

Class of Hereditaments.	Maximum Amount of Deduction.
CLASS 1 (a).—Houses and buildings without land other than gardens where the increased gross value does not exceed £20.	An amount equal to $\frac{3}{4}$ of the increased gross value.
CLASS 1 (b).—Houses and buildings without land other than gardens where the increased gross value exceeds £20 but does not exceed £40.	£8, together with an amount equal to $\frac{1}{4}$ of the amount by which the increased gross value exceeds £20.

Class of Hereditaments.	Maximum Amount of Deduction.
CLASS 2.—Houses and buildings without land other than gardens where the increased gross value exceeds £40 but does not exceed £100.	£15, together with an amount equal to $\frac{1}{4}$ of the amount by which the increased gross value exceeds £40.
CLASS 3 (a).—Houses and buildings without land other than gardens where the increased gross value exceeds £100 but does not exceed £150.	£30, together with an amount equal to $\frac{1}{4}$ of the amount by which the increased gross value exceeds £100.
CLASS 3 (b).—Houses and buildings without land other than gardens where the increased gross value exceeds £150.	£40, or the maximum amount of deduction allowable under Part I of the Schedule, whichever is the greater.

CHAPTER 41.

CHINA INDEMNITY (APPLICATION) ACT, 1925

An Act to make further provision for the application of money paid on account of the China Indemnity. [30th June, 1925.]

1. *Application of China Indemnity.*—(1) Any sums received at any time after the first day of December, nineteen hundred and twenty-two on account of the China Indemnity shall, instead of being paid into the Exchequer and issued and applied in like manner as the new sinking fund, be paid to a fund to be called "the China Indemnity Fund," and, subject to the provisions of this section, be applied to such educational or other purposes, being purposes which are, in the opinion of the Secretary of State for Foreign Affairs beneficial to the mutual interests of His Majesty and of the Republic of China, as the said Secretary of State, after consultation with the advisory committee to be established under this Act, may from time to time determine.

(2) For the purpose of advising the said Secretary of State as to the application of the China Indemnity Fund, there shall be established an advisory committee consisting of eleven persons, who shall be appointed by the said Secretary of State, and of whom at least one shall be a woman, and at least two shall be citizens of the Republic of China.

(3) Any expenses incurred by the said Secretary of State in or in connection with or for the purposes of the administration of the China Indemnity Fund shall be defrayed out of that fund.

(4) The said Secretary of State shall cause to be prepared, in such form as the Treasury may from time to time direct, in respect of each financial year an account showing the receipts and expenditure in that year in respect of the China Indemnity Fund, and the said account shall be examined by the Comptroller and Auditor-General, and shall, together with this report thereon, be laid before each House of Parliament as soon as may be after the end of the year to which it relates.

2. *Short title and repeal.*—(1) This Act may be cited as the China Indemnity (Application) Act, 1925.

(2) Subsection (2) of section seven of the Finance Act, 1906, is hereby repealed.

CHAPTER 42.

MERCHANT SHIPPING (INTERNATIONAL LABOUR CONVENTIONS) ACT, 1925.

An Act to give effect to certain Draft Conventions adopted by the International Labour Conference relating respectively to an unemployment indemnity for seamen in the case of loss or foundering of their ship, the minimum age for the admission of young persons to employment as trimmers and stokers, and the compulsory medical examination of children and young persons employed at sea.

[31st July, 1925.]

Whereas at Genoa the General Conference of the International Labour Organisation of the League of Nations on the ninth day of July, nineteen hundred and twenty, adopted a draft convention concerning unemployment indemnity for seamen in case of loss or foundering of their ship, and at Geneva on the eleventh day of November, nineteen hundred and twenty-one, adopted two other draft conventions, namely, a draft convention fixing the minimum age for the admission of young persons to employment as trimmers and stokers, and a draft convention concerning the compulsory medical examination of children and young persons employed at sea:

And whereas the said draft conventions contain (together with other provisions) the provisions set out in Parts I, II and III respectively of the First Schedule to this Act:

And whereas it is expedient that for the purpose of giving effect to the said draft conventions such provision should be made as is contained in this Act:

Be it therefore enacted, etc.,—

1. *Amendment of s. 158 of Merchant Shipping Act, 1894.*—(1) Where by reason of the wreck or loss of a ship on which a seaman is employed, his service terminates before the date contemplated in the agreement he shall, notwithstanding anything in section one hundred and fifty-eight

of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(3) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which is a fishing-boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

2. *Employment of young persons as trimmers or stokers.*—(1) Subject to the provisions of this section, no young person shall be employed or work as a trimmer or stoker in any ship:

Provided that—

(a) The foregoing provision shall not apply—

(i) to the employment of a young person on such work as aforesaid in a school-ship or training-ship if the work is of a kind approved by the Board of Trade and is carried on subject to supervision by officers of the Board; or

(ii) to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; or

(iii) to the employment of a young person subject to and in accordance with the provisions contained in paragraph (c) of Article 3 of the draft convention set out in Part II of the First Schedule to this Act; and

(b) Where in any port a trimmer or stoker is required for any ship and no person over the age of eighteen years is available to fill the place, a young person over the age of sixteen years may be employed as a trimmer or stoker, but in any such case two young persons over the age of sixteen years shall be employed to do the work which would otherwise have been performed by one person over the age of eighteen years.

(2) There shall be included in every agreement with the crew a list of the young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.

(3) There shall be included in every agreement with the crew a short summary of the provisions of this section.

3. *Medical examination of young persons.*—(1) Subject to the provisions of this section no young person shall be employed in any capacity in any ship, unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity:

Provided that—

(a) The foregoing provisions shall not apply to the employment of a young person in a ship in which only members of the same family are employed; and

(b) a superintendent or consular officer may on the ground of urgency authorise a young person to be employed in a ship notwithstanding that no such certificate as aforesaid has been delivered to the master of the ship, but a young person in whose case any such authorisation is given shall not be employed beyond the first port at which the ship calls after the young person has embarked thereon, except subject to and in accordance with the foregoing provisions of this section.

(2) A certificate under this section shall remain in force for a period of twelve months from the date on which it is granted and no longer:

Provided that, if the said period of twelve months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage.

4. *Penalties.*—(1) If any young person is employed in any ship in contravention of the provisions of this Act, the master of the ship shall be liable to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds, and where a young person is taken into employment in any ship in contravention of the provisions of this Act on the production by, or with the privity of, the parent of a false or forged certificate or on a false representation by the parent that the young person is of an age at which such employment is not in contravention of the said provisions, that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(2) If the master of a ship fails to keep such a register as is required to be kept by him under this Act, or, on being so required by an officer of the Board of Trade or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1923, refuses or neglects to produce for inspection by that officer or person any such register as aforesaid or any certificate delivered to him under this Act he shall be liable to a fine not exceeding twenty pounds.

5. Interpretation.]—In this Act—

The expression "young person" means a person who is under the age of eighteen years:

The expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom as a British Ship, and includes any British fishing-boat entered in the fishing-boat register, but does not include any tug, dredger, sludge vessel, barge, or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation.

6. Power to apply Act to British possessions.]—(1) His Majesty may by Order in Council direct that the provisions of this Act shall, subject to such modifications and adaptations, to be specified in the Order, as appear to His Majesty necessary or expedient in the circumstances of the case, apply to ships registered in any British possession outside the United Kingdom, other than the Dominions mentioned in the Second Schedule to this Act, as they apply to ships registered in the United Kingdom.

(2) The reference in this section to British possessions shall include a reference to territories which are under His Majesty's protection and territories in respect of which a mandate has been accepted by His Majesty, other than any such territories in respect of which the mandate is being exercised by the Government of any of the Dominions mentioned in the said Second Schedule.

(3) An Order in Council made under this section may be varied or revoked by a subsequent Order.

7. Short title and construction.]—This Act may be cited as the Merchant Shipping (International Labour Conventions) Act, 1925, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1923, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1925.

SCHEDULES.**FIRST SCHEDULE.****PART I.****DRAFT CONVENTION CONCERNING UNEMPLOYMENT INDEMNITY IN CASE OF LOSS OR FOUNDERING OF THE SHIP.****ARTICLE 1.**

For the purpose of this Convention, the term "seamen" includes all persons employed on any vessel engaged in maritime navigation.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

In every case of loss or foundering of any vessel the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any one seaman may be limited to two months' wages.

ARTICLE 3.

Seamen shall have the same remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

ARTICLE 4.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

PART II.**DRAFT CONVENTION FIXING THE MINIMUM AGE FOR THE ADMISSION OF YOUNG PERSONS TO EMPLOYMENT AS TRIMMERS OR STOKERS.****ARTICLE 1.**

For the purpose of this Convention, the term "vessel" includes all ships and boats of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

ARTICLE 3.

The provisions of Article 2 shall not apply:

(a) To work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority;

(b) To the employment of young persons on vessels mainly propelled by other means than steam;

(c) To young persons of not less than sixteen years of age, who, if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organisations of employers and workers in those countries.

ARTICLE 4.

When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available such young persons may be employed and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

ARTICLE 5.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 6.

Articles of agreement shall contain a brief summary of the provisions of this Convention.

ARTICLE 11.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

PART III.**DRAFT CONVENTION CONCERNING THE COMPULSORY MEDICAL EXAMINATION OF CHILDREN AND YOUNG PERSONS EMPLOYED AT SEA.****ARTICLE 1.**

For the purpose of this Convention the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

The employment of any child or young person under eighteen years of age on any vessel, other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

ARTICLE 3.

The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

ARTICLE 4.

In urgent cases, the competent authority may allow a young person below the age of eighteen years to embark without having undergone the examination provided for in Articles 2 and 3 of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.

ARTICLE 9.

Each member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 421 of the Treaty of Versailles and of the corresponding Articles of the other Treaties of Peace.

SECOND SCHEDULE.**DOMINIONS TO WHICH ACT MAY NOT BE APPLIED BY ORDER IN COUNCIL.**

British India.

The Dominion of Canada.

The Commonwealth of Australia (including Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

The Irish Free State.

Newfoundland.

CHAPTER 43.

FORMER ENEMY ALIENS (DISABILITIES REMOVAL) ACT, 1925.

An Act to repeal certain enactments imposing disabilities on former enemy aliens. [31st July, 1925.]

Whereas at London on the second day of December, nineteen hundred and twenty-four, a Treaty of Commerce and Navigation, with a Protocol annexed thereto, was signed on behalf of His Majesty and the President of the German Reich:

And whereas the said Protocol contained the provision set forth in the First Schedule to this Act:

And whereas, in order to enable the said Treaty to be ratified, it is expedient that the disabilities referred to in the said provision should be removed as respects German citizens and German companies, and it is also expedient that, when the said disabilities are removed as respects German citizens and companies, they should also be removed as respects the subjects, citizens and companies of the other former enemy countries to which they apply:

Be it therefore enacted, etc.:-

1. *Repeal of certain enactments imposing disabilities on former enemy aliens.*—The enactments mentioned in the Second Schedule to this Act which impose disabilities on subjects, citizens and companies of former enemy countries in respect of the non-ferrous metal industry, service on board British ships registered in the United Kingdom, and the carrying on of banking business within the United Kingdom, shall, as from the commencement of this Act, be repealed to the extent specified in the third column of that schedule.

2. *Short title, extent, and commencement.*—(1) This Act may be cited as the Former Enemy Aliens (Disabilities Removal) Act, 1925.

(2) This Act shall extend to Northern Ireland.

(3) This Act shall come into operation on such date as may be certified by a Secretary of State, by notice published in the London, Edinburgh and Belfast Gazettes, to be the date on which ratifications of the said Treaty are exchanged.

SCHEDULES.

FIRST SCHEDULE.

[Preamble.]

PROVISION OF PROTOCOL.

His Britannic Majesty's Government undertake to recommend to Parliament the necessary legislation for the removal of the disabilities imposed by the legislation specified below affecting German citizens and German companies in the United Kingdom which do not extend to the subjects or citizens or companies of the most favoured foreign country, viz.:-

Non-Ferrous Metal Industries Act, 1918.

Aliens Restriction (Amendment) Act, 1919. (Section 12).

Trading with the Enemy (Amendment) Act, 1918. (Section 1).

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title	Extent of Repeal.
7 & 8 Geo. 5, c. 67.	The Non-Ferrous Metal Industry Act, 1918.	The whole Act.
8 & 9 Geo. 5, c. 31.	The Trading with the Enemy (Amendment) Act, 1918.	Section two.
9 & 10 Geo. 5, c. 92.	The Aliens Restriction (Amendment) Act, 1919.	In section five the words "other than former enemy aliens" and section twelve.

CHAPTER 44.

STATUTORY GAS COMPANIES (ELECTRICITY SUPPLY POWERS) ACT, 1925.

An Act to facilitate the supply of electricity by statutory gas companies. [31st July, 1925.]

1. *As to granting of Electricity Orders to statutory gas companies.*—Statutory gas companies may apply for special Orders under the Electricity (Supply) Acts, 1882 to 1922, and such companies may use their funds in the promotion of such applications.

2. *Providing for capital powers to statutory gas companies for electricity purposes.*—The Electricity Commissioners may by special Order under the Electricity (Supply) Acts, 1882 to 1922, subject after consultation in each case with the Board of Trade to such conditions, limitations and provisions (including the keeping of separate accounts) as they see fit to impose or insert, empower any statutory gas company to apply their funds, and to raise capital or borrow money from time to time for electricity purposes authorised by any Act of Parliament or any Order having the force of an Act of Parliament:

Provided that the principal moneys secured by any mortgage debenture or debenture stock authorised by any such special Order shall rank after any mortgage debenture or debenture stock of any such company existing at the time such Order was made.

3. *Definition.*—The expression "statutory gas companies" means any company or person authorised to sell gas by any Act of Parliament or any Order having the force of an Act of Parliament.

4. *Short title.*—This Act may be cited as the Statutory Gas Companies (Electricity Supply Powers) Act, 1925.

CHAPTER 45.

GUARDIANSHIP OF INFANTS ACT, 1925.

An Act to amend the Law with respect to the Guardianship, Custody and Marriage of Infants. [31st July, 1925.]

1. *Principle on which questions relating to custody, upbringing, etc. of infants are to be decided.*—Where in any proceeding before any court (whether or not a court within the meaning of the Guardianship of Infants Act, 1886) the custody or upbringing of an infant, or the administration of any property belonging to or held on trust for an infant, or the application of the income thereof, is in question, the court, in deciding that question, shall regard the welfare of the infant as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

2. *Equal right of mother to apply to court.*—The mother of an infant shall have the like powers to apply to the court in respect of any matter affecting the infant as are possessed by the father.

3. *Amendment of 49 & 50 Vict. c. 27, s. 5 with respect to the custody and maintenance of infants.*—(1) The power of the court under section five of the Guardianship of Infants Act, 1886, to make an order as to the custody of an infant and the right of access thereto may be exercised notwithstanding that the mother of the infant is then residing with the father of the infant.

(2) Where the court under the said section as so amended makes an order giving the custody of the infant to the mother, then, whether or not the mother is then residing with the father, the court may further order that the father shall pay to the mother towards the maintenance of the infant such weekly or other periodical sum as the court, having regard to the means of the father, may think reasonable.

(3) No such order, whether for custody or maintenance, shall be enforceable and no liability thereunder shall accrue while the mother resides with the father, and any such order shall cease to have effect if for a period of three months after it is made the mother of the infant continues to reside with the father.

(4) Any order so made may, on the application either of the father or the mother of the infant, be varied or discharged by a subsequent order.

4. *Rights of surviving parent as to guardianship.*—(1) On the death of the father of an infant, the mother, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the father. When no guardian has been appointed by the father or if the guardian or guardians appointed by the father is or are dead or refuses or refuse to act, the court may if it thinks fit appoint a guardian to act jointly with the mother.

(2) On the death of the mother of an infant, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the infant, either alone or jointly with any guardian appointed by the mother. When no guardian has been appointed by the mother or if the guardian or guardians appointed by the mother is or are dead or refuses or refuse to act, the court may if it thinks fit appoint a guardian to act jointly with the father.

(3) Section two of the Guardianship of Infants Act, 1886, is hereby repealed.

5. *Power of father and mother to appoint testamentary guardians.*—(1) The father of an infant may by deed or will appoint any person to be guardian of the infant after his death.

(2) The mother of an infant may by deed or will appoint any person to be guardian of the infant after her death.

(3) Any guardian so appointed shall act jointly with the mother or father, as the case may be, of the infant so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the infant, the guardian may apply to the court, and the court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the infant, and in the latter case may make such order regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit, and may further order that the mother or father

shall pay to the guardian towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable.

(5) Where guardians are appointed by both parents, the guardians so appointed shall after the death of the surviving parent act jointly.

(6) If under the preceding section a guardian has been appointed by the court to act jointly with a surviving parent, he shall continue to act as guardian after the death of the surviving parent; but if the surviving parent has appointed a guardian, the guardian appointed by the court shall act jointly with the guardian appointed by the surviving parent.

(7) Section three of the Guardianship of Infants Act, 1886, is hereby repealed.

6. Disputes between joint guardians.—Where two or more persons act as joint guardians of an infant and they are unable to agree on any question affecting the welfare of the infant, any of them may apply to the court for its direction, and the court may make such order regarding the matters in difference as it may think proper.

7. Extension of jurisdiction to courts of summary jurisdiction.—(1) For the purposes of the Guardianship of Infants Act, 1886, as amended by this Act, the expression "the court" shall include a court of summary jurisdiction:

Provided that a court of summary jurisdiction shall not be competent—

(a) to entertain any application other than an application for variation or discharge of an existing order under the Guardianship of Infants Act, 1886, as so amended, relating to an infant who has attained the age of sixteen years, unless the infant is physically or mentally incapable of self support; or

(b) to entertain any application involving the administration or application of any property belonging to or held in trust for an infant, or the income thereof; or

(c) to award the payment of sums towards the maintenance of any infant exceeding twenty shillings a week.

(2) The Lord Chancellor may make rules regulating the procedure in courts of summary jurisdiction under this section, and may by those rules make provision for enabling of applications to be heard and determined otherwise than in open court.

(3) Where on an application to a court of summary jurisdiction under the Guardianship of Infants Act, 1886, as amended by this Act, the court makes or refuses to make an order, an appeal shall, in accordance with rules of court, lie to the High Court:

Provided that, where any such application is made to a court of summary jurisdiction, and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the court of summary jurisdiction may refuse to make an order, and in such case no appeal shall lie to the High Court.

(4) An order of a court of summary jurisdiction for the payment of money under the Guardianship of Infants Act, 1886, as amended by this Act, shall be enforceable in like manner as an order for the payment of a civil debt recoverable summarily.

(5) Where an order made by a court of summary jurisdiction under the Guardianship of Infants Act, 1886, as amended by this Act, contains a provision committing to the applicant the legal custody of any infant the infant may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under subsection (2) of section thirty-four of the Summary Jurisdiction Act, 1879, as if it were an order of the court requiring that person to give up the infant to the applicant.

(6) This section shall not extend to Scotland.

8.—Enforcement of orders for payment of money.—(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under the Guardianship of Infants Act, 1886, as amended by this Act, shall give notice of any change of address to such person (if any) as may be specified in the order, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine not exceeding two pounds.

(2) Where the court has made any such order, the court shall, in addition to any other powers for enforcing compliance with the order, have power, in any case where there is any pension or income payable to the person against whom the order is made and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, to order that such part as the court may think fit of any such pension or income, be attached and paid to the person named by the court, and such further order shall be an authority to the person by whom such pension or income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the person by whom the pension or income is payable.

(3) In the application of this section to Scotland, the expression "arrested" shall be substituted for the expression "attached."

9. Consents required to marriage of infants.—(1) The consent required to the marriage of an infant, in the case of a marriage intended to be solemnized or contracted on the issue of any certificate by a superintendent registrar whether by licence or without licence, shall be that of the persons or person mentioned in the Schedule to this Act:

Provided that—

(a) if the superintendent registrar is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained;

(b) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent is so refused.

(2) The foregoing subsection shall apply to marriages intended to be solemnized on the issue of a licence by an ecclesiastical authority having power to issue such a licence, with the substitution of references to that authority for references to the superintendent registrar, and with the substitution of a reference to the Master of the Faculties for the reference to the Registrar-General.

(3) The persons whose consent is required to such marriage as aforesaid shall, in the case of a marriage intended to be solemnized after the declaration of banns, be the persons entitled to give notice of dissent under section eight of the Marriage Act, 1823.

(4) For the purposes of this section, "the court" has the same meaning as in the Guardianship of Infants Act, 1886, as amended by this Act, and rules of court may be made for enabling applications under this section—

(a) if made to the High Court to be heard in chambers;

(b) if made to the county court to be heard and determined by the Registrar subject to appeal to the judge;

(c) if made to a court of summary jurisdiction to be heard and determined otherwise than in open court;

and shall provide that, where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has so refused consent.

(5) Sections sixteen and seventeen of the Marriage Act, 1823, are hereby repealed.

(6) Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

(7) This section shall not extend to Scotland.

10. Tutors.—In Scotland a father or mother acting as tutor of a pupil child by virtue of the common law or of the Guardianship of Infants Act, 1886, or of this Act, shall be deemed to be and always have been a trustee within the meaning of the Trustee (Scotland) Act, 1921.

11. Short title, construction, commencement and extent.—(1) This Act may be cited as the Guardianship of Infants Act, 1925.

(2) This Act shall (except so far as it amends the law relating to the marriage of infants) be construed as one with the Guardianship of Infants Act, 1886, and that Act and this Act may be cited together as the Guardianship of Infants Acts, 1886 and 1925.

(3) This Act shall come into operation on the expiration of two months after the passing thereof.

(4) This Act shall not extend to Northern Ireland.

SCHEDULE.

CONSENTS REQUIRED TO THE MARRIAGE OF AN INFANT.

1. WHERE THE INFANT IS LEGITIMATE.

Circumstances.	Person or Persons whose consent is required.
1. Where both parents are living:	
(a) if parents living together;	Both parents.
(b) if parents are divorced or separated by order of court or by agreement;	The parent to whom the custody of the infant is committed by order of any court or by the agreement, or, if custody of the infant is so committed to one parent during part of the year and to the other parent during the rest of the year, both parents;
(c) if one parent has been deserted by the other;	The parent who has been deserted.
(d) if both parents deprived of custody of infant by order of court.	The person to whose custody the infant is committed by order of the court.
2. Where one parent is dead:	
(a) if there is no other guardian;	The surviving parent.
(b) if a guardian has been appointed by the deceased parent.	The surviving parent and the guardian if acting jointly, or the surviving parent or the guardian if the parent or guardian is the sole guardian of the infant.

Circumstances.

Person whose consent is required.

3. Where both parents are dead - The guardians or guardian appointed by the deceased parents or by the court under section four of this Act.

II. WHERE THE INFANT IS ILLEGITIMATE.

- If the mother of the infant is alive - The mother, or if she has by order of the court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the court.
- If the mother of the infant is dead - The guardian appointed by the mother.

CHAPTER 46.

DRAMATIC AND MUSICAL PERFORMERS' PROTECTION ACT, 1925.

An Act to prevent unauthorised reproductions of dramatic and musical performances. [31st July, 1925.]

1. *Penalties for making etc. records without consent of performers.*—

If any person knowingly—

- (a) makes any record, directly or indirectly, from or by means of the performance of any dramatic or musical work without the consent in writing of the performers; or
- (b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, any record made in contravention of this Act; or
- (c) uses for the purpose of a public performance any record made in contravention of this Act,

he shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding forty shillings for each record in respect of which an offence is proved, but not exceeding fifty pounds in respect of any one transaction: Provided that it shall be a defence to any proceedings in respect of an alleged offence under the foregoing paragraph (a) if the defendant proves that the record in respect of which the offence is alleged was not made for purposes of trade.

2. *Penalties for making or having plates, etc. for making records in contravention of Act.*—If any person makes, or has in his possession any plate or similar contrivance for the purpose of making records in contravention of this Act, he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds for each plate or similar contrivance in respect of which an offence is proved.

3. *Power to order destruction of records, etc. contravening Act.*—The Court before which any proceedings are taken under this Act may, on conviction of the offender, order that all records or plates or similar contrivances in the possession of the offender which appear to the Court to have been made in contravention of this Act, or to be adapted for the making of records in contravention of this Act, and in respect of which the offender has been convicted, be destroyed, or otherwise dealt with as the Court may think fit.

4. *Interpretation.*—In this Act, unless the context otherwise requires,—

The expression "record" means any record or similar contrivance for reproducing sound;

The expression "performance of any dramatic or musical work" includes any performance, mechanical or otherwise, of any such work which performance is rendered or intended to be rendered audible by mechanical or electrical means;

The expression "performers" in the case of a mechanical performance means the persons whose performance is mechanically reproduced.

5. *Short title.*—(1) This Act may be cited as the Dramatic and Musical Performers' Protection Act, 1925.

(2) This Act shall extend to Northern Ireland.

CHAPTER 47.

FIRE BRIGADE PENSIONS ACT, 1925.

An Act to make provision respecting the retirement, pensions, allowances and gratuities of professional firemen who are members of fire brigades in Great Britain, and their widows, children and dependants.

[31st July, 1925.]

RETIREMENT AND PENSIONS.

1. *Compulsory retirement.*—(1) Retirement shall be compulsory for professional firemen of all ranks on attaining the age of sixty except that in special cases the local authority may extend any such person's service for a further period on being satisfied that such extension would be in the interests of efficiency.

(2) Retirement shall also be compulsory for any professional firemen who, having become entitled to retire without a medical certificate and receive an ordinary pension, is required to retire by the local authority on the ground that his retention in the brigade would not be in the interests of efficiency.

2. *Pensions and gratuities of professional firemen.*—(1) Subject to the provisions of this Act, every professional fireman—

(a) if he has completed twenty-five years' approved service, and has attained the age of fifty-five, and has given three months' written notice, or such shorter notice as the local authority may accept, to the local authority of his intention to retire, shall be entitled, on the expiration of such notice, without a medical certificate to retire and receive an ordinary pension for life; and

(b) if he has completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled on a medical certificate to retire and receive an ordinary pension for life; and

(c) if at any time he is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default, shall be entitled on a medical certificate to retire and receive a special pension for life; and

(d) if he has not completed ten years' approved service, and is incapacitated for the performance of his duty by infirmity of mind or body not occasioned by such injury as aforesaid, shall be entitled on a medical certificate to retire and receive a gratuity.

(2) Where a professional fireman is compelled to retire under this Act on the ground of age, then—

(a) if he is not entitled without a medical certificate to retire and receive a pension, he shall be entitled to receive such ordinary pension or gratuity as he would have been entitled to receive had he then retired on a medical certificate;

(b) any pension or gratuity to which he is entitled shall be payable as from his retirement, and no notice of intention to retire shall be required.

(3) A chief officer appointed after the commencement of this Act shall not, except with the consent of the local authority, be entitled to retire without a medical certificate and receive an ordinary pension, unless at the time of his retirement he has attained the age of sixty.

(4) No gratuity shall be payable to a professional fireman who retires before the expiration of any period of probationary service.

3. *Pensions, allowances and gratuities to widows, children and dependants.*—(1) Subject to the provisions of this Act, where a professional fireman dies while serving in the fire brigade from the effects of an injury received in, or disease resulting from, the execution of his duty without his own default, or having been granted a pension in respect of any such injury or disease, whether before or after the commencement of this Act, dies from the effects of such injury or disease—

(a) his widow shall be entitled, where the injury was accidental or where death was due to disease resulting from the execution of his duty, to a widow's ordinary pension, and where the injury was non-accidental, to a widow's special pension;

(b) his children under sixteen years of age shall be entitled to allowances until they severally reach the age of sixteen years; and

(c) the local authority may, if they think fit, grant a gratuity to any relative of his who has been wholly or mainly dependent upon him.

(2) Where the widow of a professional fireman is entitled to a pension, or a child of a professional fireman is entitled to an allowance, under this Act, and the local authority are satisfied that there are special reasons for the grant of a gratuity in lieu thereof, the local authority may at their discretion grant a gratuity accordingly, subject to the consent of the man's widow or, if he leaves no widow, the guardian of the child, as the case may be.

4. *Pension and compensation not payable for same injury.*—When a professional fireman is entitled to receive a pension on the ground that he is incapacitated in the performance of his duty by infirmity of mind or body occasioned by an injury, or the widow or any child of a professional fireman is entitled to receive a pension or an allowance in consequence of his dying from the effects of an injury, neither the fireman nor his widow or personal representatives shall be entitled to receive compensation or damages from the local authority in respect of the same injury or the consequences thereof.

5. *Scales of pensions, allowances and gratuities.*—The pensions, allowances and gratuities payable under this Act shall be in accordance with the scales and provisions contained in the Schedule to this Act, and the general rules contained in Part III. of that schedule shall apply to such pensions, allowances and gratuities.

APPROVED SERVICE.

6. *Service to be reckoned for pension.*—(1) The service of a professional fireman for the purposes of this Act shall be subject to such deductions in respect of sickness, misconduct, or neglect of duty as may be made therefrom in pursuance of any regulations affecting the brigade to which he belongs, not exceeding the period during which he is absent from duty on account of sickness, misconduct or neglect of duty, as the case may be; and, subject to the provisions of this Act as to professional

firemen who were serving as such at the commencement of this Act, the expression "approved service" shall, for the purposes of this Act, mean such service as may, after such deductions as aforesaid (if any), be certified by the chief officer of the fire brigade with the approval of the local authority to have been diligent and faithful service, but shall not include service before attaining the age of twenty years, except in the case of a fireman who before attaining that age is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default;

(2) Where a deduction is made from the service of a professional fireman in respect of sickness, misconduct, or neglect of duty, notice of the deduction shall be given to him as soon as may be after the occurrence of the cause for which the deduction is made; and he may appeal to the local authority against any act of his chief officer which prevents him from reckoning any period of actual service as approved service, and any period of actual service allowed on such appeal shall be deemed to be approved service.

7. Continuous service in two or more fire brigades.—(1) Where a professional fireman has served in more than one fire brigade and has completed not less than one year's approved service as a professional fireman in any fire brigade from which, after the commencement of this Act, he has, with the written sanction of the local authority, removed to another brigade, such approved service shall be reckoned as approved service in the brigade in which he was serving at the time of his death or retirement.

(2) Where any professional fireman who is entitled under this section to reckon any previous service in another brigade, or his widow or any child or any dependant of his, in due course is granted a pension, gratuity or allowance, the local authority in whose service he then is, or was at the time of his death or retirement, shall be entitled to call upon the other local authority or authorities and they shall contribute a proportionate part of any pension, gratuity or allowance granted to him or his widow or any such child or dependant, reckoned according to his approved service and pay during his service in such brigade, and the said proportionate part shall be settled by agreement between the local authorities, or in default of agreement by an arbitrator appointed by the Secretary of State.

8. Discontinuous service in one or more brigades, &c.—(1) Where a professional fireman, who has retired from a fire brigade without a pension, subsequently, after the commencement of this Act, rejoins the same fire brigade, there shall be reckoned as approved service the period of approved service which he was entitled to reckon at the end of his previous service, if he repays to the local authority the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him by the local authority in respect of his previous service.

(2) Where a professional fireman, who has retired without a pension from a fire brigade in which he was employed as a professional fireman or from a police force as a member of which he was employed as a whole-time fireman, subsequently, after the commencement of this Act, takes service as a professional fireman in a fire brigade, the local authority of that brigade may, if they think fit, allow the period of approved service, not being less than one year, which he was entitled to reckon at the end of his service in the first mentioned brigade, or the police force, to be reckoned as approved service, if he pays or has paid to the local authority of the fire brigade in which he has taken service the amount of any gratuity which may have been granted to him, or of any rateable deductions from his pay which may have been paid to him, in pursuance of this Act, or, if he retired from a fire brigade before the commencement of this Act, or from any police force, the amount of any rateable deductions which would have been made from his pay in respect of his previous service if this Act had been in force during such service and had been applicable thereto.

(3) Payments by a professional fireman under this section shall be effected by means of deductions from pay, or otherwise as the local authority may determine.

9. Service of men belonging to reserve forces.—Where a professional fireman with the knowledge of the local authority or of the chief officer of the brigade belongs to any royal naval reserve force or army reserve or air force reserve, and is required for training or for permanent service, he shall be entitled, on returning to the fire brigade after the end of such training or service, to reckon any approved service which he was entitled to reckon at the commencement of such training or service; and his period of training or service and any period during which he was incapacitated for fire duty owing to an injury received during his period of training or service without his own default, shall be reckoned in the computation of the approved service.

GRANT, REVISION, FORFEITURE AND OFFENCES IN RESPECT OF PENSIONS.

10. Proof of incapacity for duty, liability to serve again and revision of pension.—(1) Before granting a pension or gratuity on the ground that a professional fireman is incapacitated by infirmity of mind or body for the performance of his duty, the local authority shall be satisfied by the evidence of some duly qualified medical practitioner or practitioners, selected by the local authority, that he is so incapacitated, and that the incapacity is likely to be permanent.

(2) Where the application is for a special pension, the local authority shall also be satisfied that the injury was received in the execution of duty, that it was received without the default of the applicant, and that the infirmity is attributable to the injury, and shall determine whether the injury was accidental or not, and the degree of disablement; and, for the purpose of determining any of the said questions which ought to be determined on medical grounds, shall take the like evidence as above mentioned.

(3) Where any pension is granted on the ground of incapacity for the performance of duty, the local authority shall, yearly or otherwise, until the power under this section of requiring the pensioner to serve again ceases, satisfy themselves that the incapacity continues, and, unless they resolve that such evidence is unnecessary, shall satisfy themselves by the like evidence as above mentioned.

(4) In the event of the incapacity ceasing before the time at which the pensioner would, if he had continued to serve, have been entitled without a medical certificate to retire and receive a pension for life, the local authority may cancel his pension and require him to serve again in the fire brigade, in a rank not lower than the rank which he held before his retirement, and at a rate of pay not less than that on which his pension was calculated.

(5) Where a pensioner so serves again, the provisions of this Act shall apply as if he had not previously retired, save that, except where the pension was granted in respect of a non-accidental injury received in the execution of duty, he shall not reckon as approved service the time which elapsed between his former retirement and the recommencement of his service.

(6) Any special pension shall be granted for such period as may be fixed by the local authority, and, if at the expiration of that period the degree of disablement is unaltered, the pension shall, at the discretion of the local authority, be either renewed from time to time or made permanent. If within five years of the pensioner's retirement or at any time before the pension is made permanent the local authority are satisfied by the evidence of a duly qualified medical practitioner that the degree of the pensioner's disablement has substantially altered, the pension shall be reassessed according to the degree of disablement.

(7) If a professional fireman or pensioner refuses or wilfully or negligently fails, when required by the local authority, to be examined by some duly qualified medical practitioner selected by that authority, the local authority may deal with him in all respects as if they were satisfied by the evidence of such a practitioner as to whether he is incapacitated for the performance of duty or, as the case may be, as to the degree of his disablement.

(8) (a) Where, for the purposes of this section, any person is medically examined by a medical practitioner selected by the local authority, and is dissatisfied with his opinion on any medical question, he may appeal in accordance with rules made by the Secretary of State, to an independent person nominated by the Secretary of State.

(b) The local authority shall be bound by the decision of any medical question which is determined on any such appeal, but, subject to this provision, the decision of the local authority on any question arising under this section shall be final.

11. Power to reduce pensions where infirmity is due to misconduct.—Where a professional fireman retires on account of infirmity of mind or body, whether occasioned by injury or otherwise, and the local authority are satisfied that he has brought about or contributed to the injury or infirmity by his own neglect, default or vicious habits, the local authority may, in their discretion, reduce the amount of his pension or gratuity by an amount not exceeding one-half of that to which he would be otherwise entitled.

12. Assignment of pensions and regulations as to payment of pensions, &c.—The following provisions shall have effect with respect to every pension, allowance or gratuity (in this section referred to as a grant) payable by the local authority to any person (in this section referred to as a pensioner):—

(1) Every assignment of and charge on a grant, and every agreement to assign or charge a grant, shall, except so far as made for the benefit of the family of the pensioner, be void, and on the bankruptcy of the pensioner the grant shall not pass to any trustee or other person acting on behalf of the creditors:

(2) Where any parochial relief is given to a pensioner or to anyone whom the pensioner is liable to maintain, the local authority may pay the whole or any part of the grant, or of the instalment thereof next due, to the guardians or other authority giving the relief, and any sum so paid may be applied in repayment of any sums expended in such relief, and subject thereto, shall be paid or applied by the guardians or other authority to or for the benefit of the pensioner:

(3) If the pensioner neglects to maintain any person whom the pensioner is liable to maintain, the local authority may in their discretion pay or apply the whole or any part of the grant to or for the benefit of that person:

(4) Where any sum is due from the pensioner to the local authority, the local authority may deduct the amount of any such sum from the grant:

(5) If the pensioner appears to the local authority to be insane or otherwise incapacitated to act, the local authority may pay so much of the grant as they think fit to the institution or person having the care of the pensioner, but shall in such case pay the surplus (if any)

for or towards the maintenance and benefit of the dependants (if any) of the pensioner except so far as the said surplus may be otherwise applied for the benefit of the pensioner:

(6) On the death of a pensioner to whom a sum not exceeding one hundred pounds is due on account of a grant, then, if the local authority so direct, probate or other proof of the title of the personal representative of the deceased may be dispensed with, and the sum may be paid or distributed to or among the persons appearing to the local authority to be beneficially entitled to the personal estate of the deceased pensioner or to or among any one or more of those persons as the local authority may think fit, and the local authority, and any officer of the local authority making the payment, shall be discharged from all liability in respect of any such payment or distribution:

(7) Every grant which is a pension or allowance shall be paid, after the first instalment, in advance, except in the case of refusal to quit fire brigade quarters or any premises owned or rented by or on behalf of the local authority, or to give up any equipment, or to make any payment due to the local authority; but, where a person dies whilst in receipt of a grant paid in advance, no return shall be required of any payments which have been made in respect of any period after his death:

(8) Any sum payable to a minor on account of a grant may be paid either to the minor or to such person and on such conditions for the benefit of the minor as to the local authority seems expedient:

(9) Where a payment is made to any person by a local authority in pursuance of this section, the receipt of that person shall be a good discharge to that authority for the sum so paid.

13. Forfeiture of pension or allowance.—(1) A pension or allowance under this Act is granted only upon condition that it becomes forfeited, and may be withdrawn by the local authority, in any of the following cases, that is to say, if the grantee—

(a) is convicted of any offence and is sentenced to penal servitude or to imprisonment for a term exceeding one month; or

(b) knowingly associates with thieves or reputed thieves; or

(c) enters into or continues to carry on any business, occupation or employment which is illegal, or in any way makes use of the fact of his former employment in the fire brigade in a manner which the local authority consider to be discreditable or improper.

(2) Such forfeiture and withdrawal may affect the pension or allowance wholly or in part, and may be permanent or temporary, as the local authority may determine.

14. Penalty for obtaining pension, &c. by fraud.—If a person obtains or attempts to obtain for himself or for any other person—

(a) any pension, gratuity, or allowance under this Act, or any payment on account thereof; or

(b) the return of any rateable deductions from pay under this Act;

by means of any false declaration, false certificate, false representation, false evidence or personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and where a person has been convicted of an offence under this section the local authority may direct that he shall forfeit, in whole or part, any pension, gratuity, allowance or other sum so obtained.

15. Appeal in case of forfeiture or refusal of pension, gratuity or allowance.—(1) Where—

(a) a pension or allowance after being granted has subsequently in pursuance of this Act been declared to have been forfeited; or

(b) any person claims as of right a pension, allowance or gratuity under this Act, and the local authority do not admit the claim; or

(c) any person claims as of right a pension, allowance or gratuity under this Act larger than that granted to that person;

the person aggrieved may apply to the local authority for a re-consideration of the case, and, if aggrieved by the decision upon such re-consideration, may apply to the next practicable court of quarter sessions for the county or borough within which the professional firemen concerned last served, and that court, after inquiry into the case, may make such order in the matter as appears to the court just; but nothing in this section shall confer a right to appeal against the exercise of any discretion, or against any decision which is declared by this Act to be final.

(2) An appeal shall lie on a point of law from any decision of quarter sessions under this section to the High Court in accordance with rules of court, and the decision of the High Court shall be final, but in all other respects the decision of the quarter sessions shall be final.

16. Suspension of pension in case of service under a local authority.—Where a person in receipt of a pension from a local authority under this Act takes service under any local authority in any capacity, his pension may be suspended by the first-mentioned authority in whole or in part so long as he remains in that service.

RATEABLE DEDUCTIONS.

17. Rateable deductions from pay.—The local authority of every fire brigade shall deduct from the pay of every professional fireman sums at the rate of five per cent. of his pay (in this Act referred to as rateable deductions).

18. Return of rateable deductions.—(1) Where a professional fireman not having been dismissed or required to retire as an alternative to dismissal, leaves the brigade without a pension or gratuity, the local authority, except where he leaves it in such circumstances as will enable him to reckon his approved service in the fire brigade for the purpose of pension, shall pay him the whole of the rateable deductions which have been made from his pay.

(2) Where a professional fireman is required to retire as an alternative to dismissal, the local authority may, if they think fit, pay him the whole or any part of such rateable deductions as aforesaid, or apply the same in such manner as they think fit for the benefit of his wife or children (if any), and, where a professional fireman is dismissed, the local authority may, if they think fit, apply the whole or any part of such rateable deductions as aforesaid in such manner as they think fit for the benefit of his wife or children (if any).

GENERAL.

19. Saving of right of dismissal and reduction in rank.—Nothing in this Act shall prejudice any existing right of dismissing a professional fireman, or requiring him to retire as an alternative to dismissal, or reducing him to any lower rank or lower rate of pay, or shall prevent his claim to pension from being refused on account of misconduct, or on account of any of the grounds on which his pension, if granted, would be liable to be forfeited and withdrawn.

20. Fire brigade pension fund.—(1) Subject as hereinafter provided, the local authority shall establish and administer a fire brigade pension fund to which shall be carried and credited—

(a) the amounts deducted by the local authority under this Act from the pay of professional firemen;

(b) an equal amount transferred by the local authority from the district or other fund from which the other expenses of the fire brigade are defrayed;

(c) the dividends and interest arising out of the investment or use of the fire brigade pension fund, or any part thereof;

(d) any sums transferred by the local authority from any other pension or superannuation fund in pursuance of this Act;

(e) any sums paid to the local authority by professional firemen in pursuance of this Act; and

(f) any other sums which the local authority may resolve to carry to such fund from the district or other fund from which the expenses of the fire brigade are defrayed:

Provided that in the case of any local authority employing less than ten professional firemen the provisions of this Act with regard to the establishment of a fire brigade pension fund shall not apply unless the local authority so resolve, and where no such pension fund is established the payments mentioned in paragraphs (a), (c), (d) and (e) of this subsection shall be made to the district or other fund from which the expenses of the fire brigade are defrayed.

(2) Subject as hereinafter provided, all payments under this Act by a local authority to professional firemen, their widows, children, or dependants, or to another local authority, shall be made from the fire brigade pension fund or, if no such fund is established, from the district or other fund from which the other expenses of the fire brigade are defrayed.

(3) The local authority may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of the fire brigade pension fund and not for the time being required for payments to be made under this Act, subject to the following conditions:—

(a) the moneys so used shall be repaid to the fire brigade pension fund within the period, under the conditions and out of the fund, rate, or revenue within, under, and out of which a loan raised under the statutory borrowing power would be repayable;

(b) interest shall be paid to the fire brigade pension fund on any moneys so used and for the time being not repaid to the fund, and shall be calculated at a rate per cent. per annum to be determined by the local authority and equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power, and shall be paid out of the fund, rate, or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power; and

(c) the statutory borrowing power for the purpose of which the moneys are so raised shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

(4) The surplus of the annual income of the fire brigade pension fund above the expenditure thereout shall from time to time be invested in securities in which trustees are by law authorised to invest trust funds, or be used in the manner hereinbefore provided, and the income arising from time to time from such investment or use shall be paid into that fund.

(5) If at any time the income of the fire brigade pension fund is insufficient to meet the sums payable out of the fund, the deficiency

may be met by the sale of investments made under the preceding subsection, provided that the value of the investments sold in any one year ending on the thirty-first day of March shall not exceed one-tenth of the total capital assets of the fund at the commencement of that year, and the balance of the deficiency shall be met from the district or other fund from which the other expenses of the fire brigade are defrayed.

21. Application to chief officers of fire brigades.—The provisions of this Act, unless otherwise expressly stated, shall apply to a chief officer of a fire brigade in like manner, so nearly as circumstances admit, as they apply to any other professional fireman, except that the certificate of approved service and the sanction to removal from one brigade to another may be given by the local authority.

22. Application to serving professional firemen.—(1) Save as herein-after expressly provided, this Act shall apply to professional firemen who were serving as such at the commencement of this Act, provided as follows:—

(a) Any such fireman serving at the commencement of this Act shall be entitled to reckon as approved service for the purpose of the grant of pensions, allowances and gratuities under this Act any past pensionable service as hereinafter defined, but so that any such period of past pensionable service which has not been contributory service as hereinafter defined shall be reckoned as half that period of approved service;

(b) "Past pensionable service" shall include any service before the commencement of this Act (after reaching the age of twenty years) which is—

(i) service as a professional fireman in the same fire brigade or previous service which was continuous or practically continuous therewith as a professional fireman in another fire brigade, if such service is certified by the chief officer of the fire brigade or by the local authority to have been diligent and faithful service; or

(ii) approved service as a whole-time fireman to whom, as being a member of a police force employed as a fireman, the Police Act, 1890, or the Police Pensions Act, 1921, applied, if such service was continuous or practically continuous with his service as a professional fireman; or

(iii) any other previous service as a whole time fireman which the local authority may approve as past pensionable service for the purposes of this section:

Provided that nothing in this section shall be deemed to affect any agreement made between a professional fireman and the local authority as to the reckoning of any previous service as approved service:

(2) Notwithstanding the foregoing provisions of this section, the pension or gratuity granted to any professional fireman who is serving at the commencement of this Act and whose past pensionable service was not wholly contributory service, may be increased, at the discretion of the local authority, to an amount not exceeding the pension or gratuity to which such professional fireman would have been entitled if his past pensionable service had not been subject to any reduction in reckoning his approved service, if such professional fireman pays to the local authority such sum as the local authority may fix, not exceeding the amount of the rateable deductions which would have been made from his pay during the period of his past pensionable service which was not contributory service if this Act had been in force during such non-contributory service and had been applicable thereto.

(3) Where, in pursuance of the provisions of the preceding subsection, the pension or gratuity granted to a professional fireman exceeds any pension or gratuity which might have been granted if he had been entitled to reckon only his contributory service for purposes of pension, any such excess shall be paid out of the district or other fund from which the other expenses of the fire brigade are defrayed and not out of the fire brigade pension fund.

(4) For the purposes of this section, "contributory service" means service in respect of which deductions from pay have been made under the Local Government and Other Officers' Superannuation Act, 1922, or under the Police Act, 1890, or the Police Pensions Act, 1921, or other regular contributions have been made by the fireman under a superannuation scheme, provided that if the deductions or other contributions in respect of any service have been returned, or a gratuity has been granted to the fireman on his retirement, such service shall be deemed to be contributory service only if the professional fireman pays to the local authority the amount of the gratuity granted to him, or of the deductions or other contributions returned to him, as the case may be.

(5) The provisions of subsection (1) of section one of this Act as to the age of compulsory retirement shall not apply to any professional fireman so serving at the commencement of this Act unless and until he has completed twenty-five years' approved service.

23. Interpretation.—For the purposes of this Act—

(1) "Local authority" includes the council of any county, county borough, municipal borough, urban district, rural district or parish, and in relation to any particular professional fireman means the local authority employing such fireman:

(2) "Professional fireman" means any member of a fire brigade maintained by a local authority who is wholly and permanently employed on fire brigade duties, and to whom the Police Pensions Act, 1921, does not apply:

(3) "Chief officer" shall include "firemaster," "superintendent," or such other title as is given by the local authority to the chief officer of the fire brigade:

(4) The expression "total disablement" means total loss of earning capacity in any employment, and, in the case of partial disablement, the degree of disablement shall be based upon the degree to which earning capacity is affected:

(5) Any injury suffered by a professional fireman while on duty or while proceeding to report for duty in response to a summons in that behalf shall be deemed to be an injury received in the execution of his duty:

(6) Any injury received while engaged in extinguishing a fire or while engaged in drill involving special risk, shall be deemed a non-accidental injury.

24. Act to supersede other Acts, &c.—(1) The provisions of this Act shall have effect notwithstanding anything in any other Act, general or local, or charter, to the contrary, and as from the commencement of this Act all other provisions for the grant of pensions, allowances, or gratuities on the retirement or death of professional firemen shall cease to have effect as respects such firemen, subject however as follows:—

(a) None of the provisions of this Act excepting the provisions contained in section seven and subsections (2) and (3) of section eight shall apply to members of the London Fire Brigade, and section seven shall apply to a professional fireman removing to or from the London Fire Brigade;

(b) Where a local authority have in operation any scheme for the grant of pensions, allowances, or gratuities on the retirement or death of professional firemen, which is on the whole not less favourable than the provisions of this Act, that scheme shall, unless and until the local authority otherwise resolve, continue in operation, and any pension, allowance, or gratuity granted to a professional fireman or to his widow, children or dependants shall be in accordance with that scheme and not as provided in this Act;

(c) In the event of any question arising as to whether any existing scheme is or is not less favourable than the provisions of this Act, the question shall be referred to an actuary nominated by the Secretary of State whose decision shall be final.

(2) Where any scheme for the grant of pensions, allowances, or gratuities on the retirement or death of a professional fireman, is superseded by the provisions of this Act, either wholly or as respects any professional fireman, the local authority shall give written notice of the provisions of this Act to any professional fireman then serving in the fire brigade, and if any professional fireman within one month after receiving such notice gives written notice to the local authority that he desires the scheme to continue to apply to him in lieu of the provisions of this Act, that scheme shall continue to apply to him accordingly, and the amount of any pension, allowance, or gratuity granted to him or to his widow, children, or dependants, and the amount of any deductions made from his pay or other contributions towards the cost of pensions shall be as provided in such scheme as aforesaid and in lieu of any grant or rateable deductions which would otherwise have been made in pursuance of this Act.

(3) Where any existing superannuation scheme is superseded by the provisions of this Act, either wholly or as respects any professional fireman, the following provisions shall apply:—

(a) If such scheme is wholly superseded, any assets of any fund established in connection with such scheme shall be carried to the fire brigade pension fund established as provided by this Act or, if no such fund is established, to the district fund or other fund from which the expenses of the fire brigade are defrayed;

(b) If such scheme is superseded not wholly but as respects any professional fireman, then there shall be transferred from the superannuation fund or other fund from which pensions are paid in pursuance of such scheme to the fire brigade pension fund, or, if there is no such fund, to the district or other fund from which the expenses of the fire brigade are defrayed, a sum equal to the sum or sums which would have been payable to the professional fireman under such scheme if he had voluntarily retired from the fire brigade at the date when such scheme ceases to apply to him.

25. Application to Scotland.—This Act shall apply to Scotland, subject to the following modifications:—

(a) The Court of Session shall be substituted for the High Court, and the Secretary for Scotland shall be substituted for the Secretary of State;

(b) Local authority shall mean a county council or a town council;

(c) In the application of the section of this Act relating to appeal in case of forfeiture or refusal of pension, gratuity or allowance, for references to the next practicable court of quarter sessions for the county, or burgh, within which the professional fireman last served, there shall be substituted references to the sheriff having jurisdiction in the place where the professional fireman last served, and for references to quarter sessions there shall be substituted references to the sheriff.

26. *Short title and commencement.*—(1) This Act may be cited as the Fire Brigade Pensions Act, 1925.

(2) This Act shall come into operation on the first day of April, nineteen hundred and twenty-six.

SCHEDULE.

SCALES OF PENSIONS, ALLOWANCES AND GRATUITIES.

PART I.

FIREMEN.

(a) Ordinary Pensions.

1. *On retirement with twenty-five years' approved service or over.*—Such proportion of the annual pay as is specified in scale number 1, set out in the subjoined Table I., but so, however, that the amount of such pension shall not exceed the proportion of the annual pay specified in Table II., according to the age of the professional fireman at the date of his retirement.

2. *On retirement with ten years' approved service or over with medical certificate.*—Such proportion of the annual pay as is specified in scale number 2, set out in Table I.

(b) Special Pensions.

3. *On total disablement from an injury in the execution of duty—*

(a) if the injury is non-accidental, such proportion of the annual pay as is specified in scale number 3 in Table I.;

(b) if the injury is accidental, such proportion of the annual pay as is specified in scale number 4 in the said table;

(c) if it is not possible to determine definitely whether the injury is accidental or non-accidental, such rate intermediate between the rates prescribed in the preceding paragraphs (a) and (b) as the local authority may determine.

4. *On partial disablement from an injury received in the execution of duty.*—Such proportion of the pension applicable in case of total disablement as the degree of disablement bears to total disablement:

Provided that the pension shall not be less than such proportion of the annual pay as is specified, if the injury was non-accidental, in scale number 5 in Table I., and otherwise in scale number 6 in the said table.

TABLE I.

Scales of Pensions.

Completed years of approved service.	Proportion of Pension to Pay on Retirement.					
	Scale No. 1. On retirement with 25 years' approved service or over	Scale No. 2. On retirement with 10 years' approved service or over with medical certificate.	Scale No. 3. On total disablement from non-accidental injury received in execution of duty.	Scale No. 4. On total disablement from accidental injury received in execution of duty.	Scale No. 5. On partial disablement from non-accidental injury.	Scale No. 6. On partial disablement from accidental injury.
1 or less	60ths	60ths.	60ths.	60ths.	60ths.	60ths.
2	—	—	45	30	20	10
3	—	—	45	30	20	10
4	—	—	45	30	20	10
5	—	—	45	30	20	10
6	—	—	45	30	20	10
7	—	—	45	30	20	10
8	—	—	45	30	20	10
9	—	—	45	30	20	10
10	—	10	45	30	20	10
11	—	11	45	32	21	11
12	—	12	45	32	22	12
13	—	13	45	32	23	13
14	—	14	45	32	24	14
15	—	15	45	32	25	15
16	—	16	51	34	26	16
17	—	17	51	34	27	17
18	—	18	51	34	28	18
19	—	19	51	34	29	19
20	—	20	51	34	30	20
21	—	21	54	36	31	21
22	—	22	54	36	32	22
23	—	23	54	36	33	23
24	—	24	54	36	34	24
25	*25	25	54	36	35	25
26	*26	26	57	38	36	26
27	*27	27	57	38	37	27
28	*28	28	57	38	38	28
29	*29	29	57	38	39	29
30	*30	30	60	40	40	30
31	*31	31	60	40	40	31
32	*32	32	60	40	40	32
33	*33	33	60	40	40	33
34	*34	34	60	40	40	34
35 or over	*40	40	60	40	40	40

TABLE II.

Maximum proportions of Pension to Pay, according to the Age of the Professional Fireman.

Age of fireman at retirement.	Maximum proportion of pension to pay at retirement.
Years.	60ths.
55 and less than 56	30
56 " 57	32
57 " 58	34
58 " 59	36
59 " 60	38
60 or over	40

(c) Gratuities.

5. *On retirement with medical certificate with less than ten years approved service.*—The gratuity shall be an amount equal to one-twelfth of the annual pay for each completed year of approved service, or, where a professional fireman has not completed one year of approved service, an amount equal to the rateable deductions which have been made from his pay.

PART II.

WIDOWS AND CHILDREN.

(a) Widow's Pensions.

6. *Widow's ordinary pension.*—The pension shall be the amount specified under (i) or (ii) of the following scales whichever is the greater, that is to say—

Scale (i)—if her husband was a fireman or sub-officer at the time of his death or retirement, at the rate of £30 a year:

if he was of a higher rank than sub-officer and of a lower rank than chief officer at the time of his death or retirement, at the rate of £40 a year;

if he was a chief officer at the time of his death or retirement, at the rate of £50 a year;

Scale (ii)—an amount ascertained according to the length of her husband's service and his pay at the time of his death or retirement as follows:—

Completed years of approved service.	Percentage of annual pay.
30 years or over	12½ per cent
25 years and under 30	10 "
20 years and under 25	8 "
15 years and under 20	6 "
10 years and under 15	4 "

subject, however, in the case of the widow of a pensioner to a deduction equal to twenty-five per cent of the amount for each complete year for which her husband's pension had been drawn.

7. *Widow's special pension.*—The pension shall be equal to one-third of her husband's annual pay at the time of his death or retirement.

(b) Widow's Gratuities.

8. The gratuity shall be of such amount as the local authority may determine, but not exceeding one-twelfth of her husband's annual pay for each completed year of approved service.

(c) Children's Allowances.

9. *Professional fireman or pensioner dying as the result of non-accidental injury received in the execution of duty.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance, up to the time that child attains the age of sixteen, at the rate of one-fifteenth of the fireman's annual pay; and, if he leaves no widow or the widow dies before all the children attain the age of sixteen, the allowance may be increased up to two-fifteenths of such pay in respect of each child under sixteen; but in any case the allowance granted to any child shall not be less than the amount of the allowance to which that child would have been entitled under paragraph 10 of this Schedule if the professional fireman had died as a result of an accidental injury received in the execution of duty, and the aggregate amount paid in any year by way of children's allowances when added to the widow's pension, if any, shall not exceed two-thirds of such pay.

10. *Professional fireman or pensioner dying as a result of an accidental injury received in the execution of duty.*—The allowance in respect of each child who has not attained the age of sixteen shall be an annual allowance up to the time that child attains the age of sixteen at the rate of—

£10 in the case of a person who was a fireman or sub-officer at the time of his death or retirement;

£12 in the case of a person who was of a higher rank than sub-officer and of a lower rank than chief officer at the time of his death or retirement;

£15 in the case of a person who was a chief officer at the time of his death or retirement:

Provided the aggregate amount of such allowance in any year shall not exceed £30, £40, and £50, in the three cases respectively; but if

* Subject to the maximum limits specified in paragraph 1 of this Schedule and Table II, according to the age of the professional fireman at the date of his retirement.

he leaves no widow, or if the widow dies before all the children attain the age of sixteen, the actual allowance or allowances and the aggregate amount of any such allowances may be increased by fifty per cent. above the sums hereinbefore mentioned.

(d) *Children's Gratuities.*

11. The gratuity shall be of such amount as the local authority may determine, not exceeding one-sixtieth of the annual pay for each completed year of approved service of the fireman or pensioner, but so that the total amount of any gratuity or gratuities granted to the children or to the widow and children and any dependants does not exceed one-twelfth of the annual pay for each completed year of approved service, and the total amount of any gratuities granted to the children shall not, in any case, exceed the annual pay.

(e) *Dependant's Gratuities.*

12. The total amount of any gratuity or gratuities paid to a dependant or dependants of a professional fireman or pensioner shall not exceed the amount of the rateable deductions which have been made from his pay, or in the case of a professional fireman or pensioner who was serving at the commencement of this Act or who retired before the commencement of this Act, as the case may be, the amount of the rateable deductions which would have been made from his pay if this Act had been in force during the whole of his service and had been applicable thereto.

PART III.

GENERAL RULES.

13. The same person shall not be entitled to a gratuity in addition to a pension or allowance, or to both an ordinary pension and a special pension.

14. A gratuity shall be paid in one sum, except that in special cases it may be paid by instalments or applied on behalf of the grantee if the local authority consider that it would be to the advantage of a widow, child or dependant to do so; and a child's allowance or gratuity or a dependant's gratuity may be paid to a guardian or trustee if the local authority consider that it would be to the advantage of the child or dependant to do so.

15. If the widow of a professional fireman was at the time of his death living apart from her husband (not having been deserted by him) a pension or gratuity shall be paid to her only if the local authority are satisfied that he regularly contributed to her support; and the amount of a pension shall not, in such a case exceed the amount which her husband contributed.

16. Subject to the provisions of this Act, the widow and children of a pensioner shall not receive any pension, allowance or gratuity unless the marriage took place before he retired on pension.

17. The payment of a widow's pension or the balance of a widow's gratuity shall, if at any time she re-marries, be suspended, but, in the event of her again becoming a widow, shall be resumed on proof to the satisfaction of the local authority that her circumstances are such that the pension or balance of gratuity is necessary for her support, and that she is of good character and deserving of bounty out of public funds.

18. A widow's pension or balance of a widow's gratuity shall be payable only so long as she is of good character.

19.—(a) In calculating any pension, gratuity or allowance for the purposes of this Act, "annual pay" means annual pay at the date of death or retirement as the case may require:

Provided that—

(i) where a professional fireman at the date of his death or retirement holds a rank to which he has been promoted within the three preceding years, his annual pay at the date of the death or retirement shall be deemed to be the average annual amount of pay received by him for the said three years, instead of the annual amount actually received by him at that date, so, however, that the pension, allowance or maximum gratuity payable shall not be less than if he had continued in his former rank; and

(ii) where the pay at the date of death or retirement was weekly pay, the amount of the annual pay shall be deemed to be fifty-two times the amount of the weekly pay.

(b) For the purpose of the foregoing provisions of this rule, the following only shall be recognised as ranks in a fire brigade, that is to say, chief officers (including superintendents in charge), second officers, superintendents, district officers, station officers, sub-officers and firemen:

Provided that in Scotland firemaster and lieutenant shall be also recognised as ranks.

CHAPTER 48.

IMPROVEMENT OF LAND ACT (1899) AMENDMENT ACT, 1925.

An Act to amend the Improvement of Land Act, 1899.

[31st July, 1925.]

1. *Amendment of 62 & 63 Vict. c. 46.*—The proviso to section one, subsection (3), of the Improvement of Land Act, 1899, so far as it applies to Great Britain, is hereby repealed.

2. *Short title.*—This Act may be cited as the Improvement of Land Act (1899) Amendment Act, 1925.

CHAPTER 49.

(15 & 16 Geo. 5.)

SUPREME COURT OF JUDICATURE (CONSOLIDATION) ACT, 1925.

An Act to consolidate the Judicature Acts, 1873 to 1910, and other enactments relating to the Supreme Court of Judicature in England and the administration of justice therein. [31st July, 1925.]

CHAPTER 50.

THEATRICAL EMPLOYERS REGISTRATION ACT, 1925.

An Act to provide for the Registration of Employers of Theatrical Employees and for purposes incidental thereto. [31st July, 1925.]

Be it enacted, etc.:—

1. *Register of theatrical employers to be established in local areas.*—Every registration authority within the meaning of this Act shall establish and keep a register of theatrical employers. The register of theatrical employers shall be in the prescribed form and shall be open to inspection by any member of the public during ordinary office hours on payment of the prescribed fee.

2.—*Publication of intention to register.*—Every theatrical employer as hereinafter defined shall, not more than six weeks nor less than twenty-one days before registering himself as a theatrical employer, insert in a London newspaper devoted to the interest of the stage profession, in two different issues, a notice stating that he intends so to register, with the date thereof.

3.—*Theatrical employers to register.*—Every theatrical employer as hereinafter defined shall register himself as a theatrical employer with the registration authority of the area where he resides, or if he has no fixed place of residence in Great Britain with any registration authority, and shall furnish such authority with the prescribed particulars. If any circumstance occurs in relation to any theatrical employer which affects the accuracy of any particulars as respects the theatrical employer in the register of theatrical employers, the theatrical employer in question shall forthwith in writing inform the registration authority with which he has been registered, and shall forward to the authority his certificate of registration to be amended, and on receipt of such information the registration authority shall forthwith cause the entries respecting that theatrical employer and the certificate to be amended accordingly. The registration authority may charge such fee not exceeding forty shillings as may be prescribed for such registration but shall not be entitled to charge any fee for such amendments as aforesaid.

4. *Certificates of registration to be issued.*—The registration authority shall as soon as possible after registration by a theatrical employer issue to him a certificate of registration under the hand of a duly authorised officer of the registration authority. Such certificate shall be in the prescribed form and any document purporting to be such a certificate shall be evidence of the facts to which it relates. The registration authority shall immediately on the issue of a certificate of registration and on any amendment or entry in the register of theatrical employers being made transmit to the Secretary of State in such manner as may be prescribed particulars of such registration, amendment or entry, and such particulars shall be open to inspection by the public, subject to the prescribed conditions as to payment of fees and otherwise.

5. *Offences under the Act.*—Any theatrical employer shall be guilty of an offence under this Act—

(a) Who during the course of a theatrical engagement abandons the theatrical performers;

(b) Who on or after the first day of January nineteen hundred and twenty-six carries on the business of a theatrical employer without being registered;

(c) Who supplies false or misleading or incorrect particulars to the registration authority or fails within a reasonable time to inform the registration authority of any change of circumstances or to forward to the authority his certificate in accordance with the provisions of this Act;

(d) Who, except as hereinafter provided, applies to be registered as a theatrical employer after his registration has been cancelled or while it is suspended;

(e) Who on the hearing of any charge under this Act fails to produce to the court his certificate (if any) of registration without reasonable excuse, or produces a false certificate;

(f) Who being a company or a firm, of which any person whose registration has been cancelled or is suspended, is a director or manager, or by any other means has control, or is a partner, as the case may be, applies to be registered as a theatrical employer.

(2) For the purposes of this section a theatrical employer shall be deemed to have abandoned theatrical performers if he absents himself from the place where the performers are in pursuance of the engagement without paying, or making arrangements for the payment of, all wages, fees, and expenses due, or to fall due, to the performers in respect of the engagement, unless he proves that he was not absent with intent to avoid the payment of any sum so due.

6. Punishment for offences under the Act.]—(1) Any offence under this Act shall render the person committing the same liable on summary conviction to a fine not exceeding fifty pounds with or without imprisonment for a period of not exceeding three months, and in addition to any other penalty the court may in its discretion :—

(a) Order the certificate of any registered theatrical employer to be delivered up and the registration to be cancelled;

(b) Order the certificate of any registered theatrical employer to be delivered up and the registration to be suspended for such a period as the court may deem meet;

(c) Order the person convicted to pay the whole or any part of the costs of the prosecution.

Any person affected by an order made under this section may appeal against the order to a court of quarter session in the manner prescribed by the Summary Jurisdiction Acts.

(2) An order made under this Act shall not come into force until seven days after it is made, or if an appeal has been entered within that period until the determination of the appeal.

(3) Where a person who has committed an offence under this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be deemed to have committed the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

7. Power to cancel or suspend registration for failure to pay salaries, &c.]—Where a court of summary jurisdiction is satisfied that a theatrical employer has failed to pay any money due to be paid by him to theatrical performers, and that in the opinion of the court such failure was due to a deliberate intention on the part of the employer to avoid the terms of any contract made between him and the performers, the court may make an order under paragraph (a) or paragraph (b) of subsection (1) of section six of this Act in respect of that employer.

8. Cancelled and suspended certificates.]—(1) Any registered theatrical employer whose registration has been ordered to be cancelled or suspended as aforesaid shall forthwith deliver up his certificate to the clerk of the court by which the order has been made, and the clerk of the court shall as soon as the order comes into force endorse the certificate with a record of the order for cancellation or suspension, as the case may be, and shall forward the said certificate so endorsed to the registration authority by which the said certificate was issued, and the said registration authority shall thereupon cause entry of such cancellation or suspension to be made in the register of theatrical employers, and in the case of suspension shall, when the period of suspension has expired, return the certificate to the employer at the address entered on the certificate, and in the case of cancellation shall retain the said certificate.

(2) Where any order as to cancellation or suspension of registration has been made as aforesaid, the clerk of the court shall send notice thereof to the Secretary of State in the prescribed manner.

9. Persons who may not be registered.]—Any person whose registration has been cancelled may, after giving notice in the prescribed manner to the registration authority by which his former certificate was issued of his intention so to do, apply to a court of summary jurisdiction for an order authorising him to register himself as a theatrical employer, and the court may thereupon, if satisfied that such person should be registered, make such order subject to such conditions as to the court may seem fit:

Provided that no order shall be made under this section unless a period of at least three years has elapsed since the former registration was cancelled.

10. Certain convicted persons not to act as servants or agents for theatrical employers.]—Any person whose registration as a theatrical employer is cancelled shall be guilty of an offence under this Act if at any time while he remains unregistered he acts as agent for a theatrical employer.

11. Application.]—This Act shall not apply—

(a) To any person to whom, or to whose agent, a licence under section seven of the Theatres Act, 1843, or a licence for music and dancing has been granted, but only so long as such licence remains in force;

(b) To any person who not for gain or in any way of business employs or engages theatrical performers for performances in aid of charitable objects or other similar purposes.

12. Rules and expenses.]—(1) The Secretary of State may make rules for prescribing anything which is to be prescribed under this Act, and generally for carrying this Act into effect.

(2) Any expenses of a registration authority under this Act, as far as not covered by fees, shall be defrayed in the case of the Common Council of the City of London out of the general rate, in the case of the council of a county borough out of the borough fund or borough rate, and in the case of the council of a county out of the county fund.

13. Interpretation.]—In this Act, unless the context otherwise requires, the expression "theatrical employer" means any person who by himself or any agent engages or employs at any one time three or more theatrical performers.

The expression "theatrical performer" includes any actor, singer, dancer, acrobat or performer of any kind employed to act, sing, dance, play or perform in any theatre, music hall or other place of public entertainment, or to rehearse with a view to so acting, singing, dancing,

playing or performing as well as any person employed to take part in the acting or representation of any play, act, event or scene being photographed or otherwise recorded as a picture or pictures or other optical effect suitable or intended for being exhibited by means of a cinematograph or other similar apparatus; and the term theatrical performer shall include all persons employed or engaged for purposes of a chorus or crowd, but shall not include stage hands and members of an orchestra.

The expression "registration authority" means—

As respects the City of London, the common council;

As respects any county borough, the council of the borough;

As respects any other areas, the council of the county;

The expression "prescribed" means prescribed by rules made by the Secretary of State.

14. Application to Scotland.]—This Act shall apply to Scotland, subject to the following modifications :—

(1) The expression "county borough" shall mean a burgh having according to the census of nineteen hundred and twenty-one a population of or exceeding fifty thousand, and all other burghs shall for the purposes of this Act be deemed to be within the county:

(2) The expenses incurred by a town or county council under this Act shall, so far as not met out of fees, be defrayed in the case of a town council out of the burgh general or police assessment and in the case of a county council out of the general purposes rate, provided that with respect to every burgh, which is for the purposes of this Act deemed to be within the county, subsections (3) and (4) of section sixty and section sixty-six of the Local Government (Scotland) Act, 1889, shall, so far as applicable, have effect as if such expenses were expenditure therein mentioned:

(3) The expression "court of summary jurisdiction" shall mean the sheriff, and the provisions regarding appeal to a court of quarter sessions shall not apply:

(4) The expression "a licence for music and dancing" shall mean a licence granted under section three hundred and ninety-five of the Burgh Police (Scotland) Act, 1892.

15. Short title.]—(1) This Act may be cited as the Theatrical Employers Registration Act, 1925.

(2) This Act shall not apply to Northern Ireland.

CHAPTER 51.

SUMMARY JURISDICTION (SEPARATION AND MAINTENANCE) ACT, 1925.

An Act to amend the Law relating to Separation and Maintenance Orders. [31st July, 1925.]

Be it enacted, etc. :—

1. Amendments of principal Act as to grounds on which orders may be made.]—(1) An application by a married woman for an order or orders under the Summary Jurisdiction (Married Women) Act, 1895, as amended by any subsequent enactment (which Act as so amended is hereinafter referred to as the principal Act) on the ground of cruelty or neglect by her husband, may be made notwithstanding that the cruelty or neglect complained of has not caused her to leave and live separately and apart from him, and accordingly the words "and shall by such cruelty or neglect have caused her to leave and live separately and apart from him" in section four of that Act are hereby repealed.

(2) Amongst the grounds on which a married woman may apply for an order or orders under the principal Act there shall be included the following grounds—

(a) that her husband has been guilty of persistent cruelty to her children;

(b) that her husband while suffering from a venereal disease, and knowing that he was so suffering, insisted on having sexual intercourse with her;

(c) that her husband has compelled her to submit herself to prostitution.

Where the husband has, in the opinion of the court, been guilty of such conduct as was likely to result and has resulted in her submitting herself to prostitution, he shall, for the purposes of this subsection, be deemed to have compelled her so to submit herself.

(3) Amongst the grounds on which a married man may apply for an order or orders under the principal Act there shall be included the ground that his wife has been guilty of persistent cruelty to his children.

(4) No order made under the principal Act shall be enforceable and no liability shall accrue under any such order whilst the married woman with respect to whom the order was made resides with her husband, and any such order shall cease to have effect if for a period of three months after it is made the married woman continues to reside with her husband.

2. Amendment of s. 7 of principal Act.]—(1) Section seven of the principal Act (which provides, amongst other things, that if a married woman, upon whose application an order has been made under that Act, shall commit an act of adultery, such order shall upon proof thereof be discharged) shall have effect as though at the end thereof the following proviso were inserted :—

"Provided that the court may, if the court think fit—

"(a) refuse to discharge the order if, in the opinion of the court, such act of adultery as aforesaid was conducted to by the failure

of the husband to make such payments as in the opinion of the court he was able to make under the order; and

"(b) in the event of the order being discharged, make a new order that the legal custody of the children of the marriage shall continue to be committed to the wife, and that the husband shall pay to the wife or to any officer of the court or third person on her behalf, a weekly sum not exceeding ten shillings for the maintenance of each such child until the child attains the age of sixteen years. In making such an order the court shall have regard primarily to the interests of the children."

(2) Where a married woman with respect to whom an order has been made under the principal Act resumes cohabitation with her husband after living apart from him, or where she has before the date of the commencement of this Act so resumed cohabitation, and is at that date cohabiting with him, the order shall cease to have effect on the resumption of such cohabitation or at the commencement of this Act, as the case may be.

3. *Amendment of definition of "habitual drunkard."*—The expression "habitual drunkard" in section five of the Licensing Act, 1902, shall be interpreted as though in the definition of that term in section three of the Habitual Drunkards Act, 1879, the reference to the habitual intemperate drinking of intoxicating liquor included a reference to the habitual taking or using, except upon medical advice, of opium or other dangerous drugs within the meaning of the Dangerous Drugs Acts, 1920 and 1923.

4. *Notice of change of address.*—Any person for the time being under an obligation to make payments (including costs) under an order made under the principal Act, as amended by this Act, shall give notice to such persons (if any) as may be specified in the order of any change of address, and any person failing to give such notice without reasonable excuse shall be liable on summary conviction to a fine not exceeding two pounds.

5. *Enforcement of orders as to custody of children.*—Where an order under the principal Act contains a provision committing to the applicant the legal custody of any children of the marriage, a copy of the order may be served upon any person in whose actual custody the children may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under subsection (2) of section thirty-four of the Summary Jurisdiction Act, 1879, as if it were an order of the court requiring that person to give up the children to the applicant.

6. *Power to order interim payments where application for maintenance of married woman is adjourned.*—(1) Where, on the hearing of an application for an order of maintenance, the application is adjourned for any period exceeding one week, the court may order that the husband do pay to the wife or to an officer of the court or third person on her behalf a weekly sum (not exceeding such an amount as might be ordered to be paid under a final order) for the maintenance of the wife and any child or children in her custody until the final determination of the case: Provided that the order directing such payment shall not remain in operation for more than three months from the date on which it was made.

(2) Any such order shall be enforced in like manner as if it were a final order of the court.

7. *Short title, extent, and commencement.*—(1) This Act may be cited as the Summary Jurisdiction (Separation and Maintenance) Act, 1925, and section five of the Licensing Act, 1902, the Married Women (Maintenance) Acts, 1895 and 1920, and this Act may be cited together as the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1925.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation on the expiration of two months after the passing thereof.

CHAPTER 52.

ADVERTISEMENTS REGULATION ACT, 1925.

An Act to amend the law with respect to the regulation of Advertisements. [31st July, 1925.]

Be it enacted, etc. :—

1. *Extended powers of making byelaws.*—(1) The powers of a local authority under section two of the Advertisements Regulation Act, 1907 (in this Act referred to as the principal Act), shall include powers to make byelaws for regulating, restricting or preventing within their district or any part thereof the exhibition of advertisements so as to disfigure or injuriously affect—

(a) the view of rural scenery from a highway or railway, or from any public place or water; or

(b) the amenities of any village within the district of a rural district council; or

(c) the amenities of any historic or public building or monument or of any place frequented by the public solely or chiefly on account of its beauty or historic interest.

(2) In the principal Act and in this Act the expression "advertisements" includes any structure or apparatus erected or intended only for the display of advertisements,

(3) This section shall not apply to the exhibition of advertisements on or upon any railway station, yard, platform or railway approach belonging to a railway company, or except within the district of a rural district council upon any dock, quay, pier, landing stage, wharf, lock or toll station belonging to any harbour, dock or canal undertaking.

2. *Delegation of powers by county councils to district councils.*—

(1) Without prejudice to any other powers of delegation, a county council may arrange with any urban district council which is not a local authority within the meaning of the principal Act for the delegation to that council of any of the powers of the county council under the principal Act, and may arrange with any rural district council for the delegation to that council of the power of enforcing any byelaws made under the principal Act by the county council, and, where any such arrangement is made, the county council may delegate its powers accordingly.

(2) A county council may at any time cancel any arrangement made by them under this section but without prejudice to anything previously done thereunder, and where any such arrangement is cancelled any byelaws made thereunder by the urban district council shall, until varied or revoked by the county council, have effect as if they had been made by the county council.

(3) Any arrangement made under this section delegating to an urban district council the power to make byelaws shall provide for the notification to the county council of any byelaws made under the arrangement.

(4) Any expenses incurred by a district council in pursuance of an arrangement made under this section shall be repaid to that council by the county council by which the arrangement was made, and any expenses so repaid by a county council shall be defrayed by the county council as part of their expenses in carrying the principal Act into effect:

Provided that—

(a) if any such expenses incurred by a district council exceed any limit which may have been imposed by the arrangement made by the county council, the amount of the excess shall not be repayable to the district council unless it is so resolved by the county council; and

(b) any expenses properly incurred by a district council in pursuance of the arrangement shall, so far as they are not repaid by the county council, be defrayed as part of the general expenses of the district council; and

(c) for the purposes of section four of the principal Act a district council shall not by reason of any arrangement made under this section be deemed to be a local authority under that Act.

(5) This section shall not apply to Scotland.

3. *Short title, construction and extent.*—(1) This Act may be cited as the Advertisements Regulation Act, 1925, and shall be read as one with the principal Act, and the principal Act and this Act may be cited together as the Advertisements Regulation Acts, 1907 and 1925.

(2) References in this Act to the principal Act shall be construed as references to that Act as amended by this Act.

(3) In the application of this Act to Scotland references to the district of a rural district council shall be construed as references to a county exclusive of any burgh situated therein.

(4) This Act shall not apply to Northern Ireland.

CHAPTER 53.

MENTAL DEFICIENCY (AMENDMENT) ACT, 1925.

An Act to amend section seven of the Mental Deficiency Act, 1913, for the purpose of enabling a defective to be removed from an institution for the purpose of being placed under guardianship. [31st July, 1925.]

Be it enacted, etc. :—

1. *Amendment of 3 & 4 Geo. 5. c. 28, s. 7.*—Section seven of the Mental Deficiency Act, 1913, shall have effect as though the following sub-section were inserted after sub-section (2) of that section :—

"2. *Variation of orders.*—(a) Where an order has been made that a defective be sent to an institution, the judicial authority which made the order, or any other judicial authority, or, where the original order was not made by a judicial authority, any judicial authority may, on application being made for the purpose by the Board or by the local authority, and on being satisfied that the case is or has become one suitable for guardianship, order that the defective be placed under guardianship."

2. *Short title.*—This Act may be cited as the Mental Deficiency (Amendment) Act, 1925.

CHAPTER 54.

MINISTERS OF RELIGION (REMOVAL OF DISQUALIFICATIONS) ACT, 1925.

An Act to remove the disqualification of ministers of religion for being borough councillors. [31st July, 1925.]

Be it enacted, etc. :—

1. *Removal of disqualifications.*—From the passing of this Act no person shall be disqualified for being elected or being a councillor of a

borough by reason only that he is in holy orders or the regular minister of a dissenting congregation.

2. *Short title.*—(1) This Act may be cited as the Ministers of Religion (Removal of Disqualifications) Act, 1925.

(2) *Repeal of 45 & 46 Vict. c. 50, s. 12, s.s. (1), para. (b).*—Paragraph (b) of sub-section (1) of section twelve of the Municipal Corporations Act, 1882, is hereby repealed.

(3) This Act shall not apply to Northern Ireland.

CHAPTER 55.

EDUCATION (SCOTLAND) (SUPERANNUATION) ACT, 1925.

An Act to make further provision with regard to the grant of superannuation and other allowances to teachers in Scotland and to their legal personal representatives, and to the payment of contributions towards the cost of such allowances. [31st July, 1925.]

CHAPTER 56.

ISLE OF MAN (CUSTOMS) ACT, 1925.

An Act to amend the law with respect to Customs in the Isle of Man. [31st July, 1925.]

CHAPTER 57.

APPROPRIATION ACT, 1925.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, and to appropriate the Supplies granted in this Session of Parliament. [7th August, 1925.]

CHAPTER 58.

GREENWICH HOSPITAL (DISUSED BURIAL GROUND) ACT, 1925.

An Act to authorise buildings to be erected on a disused burial ground forming part of Greenwich Hospital. [7th August, 1925.]

CHAPTER 59.

TEACHERS (SUPERANNUATION) ACT, 1925.

An Act to make provision with respect to the grant of superannuation allowances and gratuities to teachers and to persons employed in the control or supervision of teachers and to their legal personal representatives and to amend the Elementary School Teachers (Superannuation) Act, 1898, and the School Teachers (Superannuation) Acts, 1918 to 1924. [7th August, 1925.]

CHAPTER 60.

THERAPEUTIC SUBSTANCES ACT, 1925.

An Act to provide for the regulation of the manufacture, sale, and importation of vaccines, sera, and other therapeutic substances. [7th August, 1925.]

Be it enacted, etc. :—

1. *Therapeutic substances to which Act applies.*—This Act applies to the therapeutic substances specified in the Schedule to this Act and any other therapeutic substances which may from time to time be added to that Schedule by regulations made under this Act as being substances the purity or potency of which cannot be adequately tested by chemical means.

2. *Restrictions of manufacture of therapeutic substances.*—(1) No person shall manufacture for sale any therapeutic substance to which this Act applies unless he holds a licence for the purpose from the licensing authority, or elsewhere than on the premises in respect of which such a licence is in force.

(2) A licence under this section shall continue in force for such period as may be prescribed, but may from time to time be renewed for a like period, and may extend to all the therapeutic substances to which this Act applies, or to such one or more of them as may be specified in the licence, and shall be issued subject to such conditions as may be prescribed.

(3) An applicant for a licence or the renewal of a licence must satisfy the licensing authority that the conditions under which the therapeutic substances are to be manufactured by him and the premises in which they are to be manufactured are such as to comply with any regulations made under this Act, and an applicant who so satisfies the licensing authority shall be entitled to the grant or renewal of the licence.

(4) The licensing authority may revoke a licence or suspend it for such period as he thinks fit if in his opinion the licensee has failed to comply with the conditions subject to which the licence was issued or with the regulations made under this Act as to the prescribed standards of strength, quality and purity, and such revocation or suspension may apply to all the therapeutic substances to which the licence applied or to some one or more of them ;

Provided that a person who is aggrieved by the revocation or suspension of his licence may, subject to rules of court, appeal to the court, whose decision shall be final.

(5) Nothing in this section shall apply to the preparation by a registered medical practitioner for any of his own patients or for and at the request of another such practitioner of a therapeutic substance to which this Act applies, if it is specially prepared with reference to the condition, and for the use of an individual patient.

3. *Restrictions on importation of therapeutic substances.*—(1) It shall not be lawful to import into Great Britain or Northern Ireland any therapeutic substance to which this Act applies unless the substance—

(a) is proved to the satisfaction of the licensing authority to comply with the standard of strength, quality and purity prescribed in the case of that substance, if the substance is one the manufacture of which is carried on in Great Britain or Northern Ireland, or, if such manufacture is not so carried on, with such standards (if any) of strength, quality and purity, as may be prescribed for that substance, or, if no such standards are so prescribed, with such standards of quality and purity as are prescribed in the case of therapeutic substances of a similar class, the manufacture of which is carried on in Great Britain or Northern Ireland, and is consigned to a person licensed by the licensing authority to import it ; or

(b) is consigned to a person engaged in scientific research holding a special licence to import it for the purpose of such research issued by the licensing authority.

(2) The issue of any licence under this section shall be subject to such conditions, including conditions as to suspension and revocation, as may be prescribed.

(3) Therapeutic substances prohibited to be imported by this section shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and any Act amending or extending that Act shall apply accordingly.

4. *Joint advisory committees.*—(1) For the purpose of framing regulations under this Act and for securing uniformity of standards, there shall be established a joint committee consisting of the Minister of Health, who shall be chairman, the Secretary for Scotland, and the Minister of Home Affairs for Northern Ireland :

Provided that each member of the joint committee may appoint a deputy to act for him at meetings of the committee at which he is unable to be present.

(2) For the purpose of assisting the joint committee in the framing of regulations under this Act, there shall be appointed an advisory committee consisting of one member appointed by the Minister of Health, who shall be chairman, one member appointed by the Scottish Board of Health, one member appointed by the Minister of Home Affairs for Northern Ireland, one member appointed by the Medical Research Council, one member appointed by the General Medical Council, one member appointed by the British Medical Association, one member appointed by the Council of the Pharmaceutical Society of Great Britain, and one member appointed by the Council of the Institute of Chemistry of Great Britain and Ireland.

5. *Power to make regulations.*—(1) The joint committee, after consultation with the advisory committee, may make regulations for the following purposes :—

(a) for prescribing the standard of strength, quality and purity of any therapeutic substance to which this Act applies :

(b) for prescribing the tests to be used for determining whether the standard prescribed as aforesaid has been attained :

(c) for prescribing units of standardisation :

(d) for adding to the Schedule to this Act any therapeutic substance the purity or potency of which cannot be adequately tested by chemical means :

(e) for prescribing the form of licences under this Act and of applications therefor, and of notices to be given in connection therewith :

(f) for prescribing the conditions subject to which licences may be issued, including, in the case of a licence to manufacture, conditions that the licensee shall allow any inspector authorised by the licensing authority in that behalf to enter any premises where the manufacture is carried on, and to inspect the premises and plant and the process of manufacture and the means employed for standardising and testing the manufactured substance and to take samples thereof :

(g) for excluding from the operation of this Act, or of any of the provisions thereof, any therapeutic substance intended to be used solely for veterinary purposes :

(h) for prescribing any other matter which under this Act is to be prescribed.

(2) Regulations so made may also as respects any such therapeutic substance to which this Act applies as may be specified in the regulations contain provisions :—

(a) requiring that, if advertised or sold as a proprietary medicine or contained in such medicine, such accepted scientific name, or name descriptive of the true nature and origin of the substance, as may be prescribed shall appear on the label ;

(b) requiring that the date of the manufacture shall be stated in the prescribed manner on all vessels or other packages in which the substance is sold or offered for sale, and prohibiting the sale of the substance after the expiration of the prescribed period from the date of manufacture:

(c) prohibiting the sale or offering for sale of the substance otherwise than in a vessel or other container of such character as may be prescribed, and requiring that the prescribed label or other description shall be affixed to such vessel or container.

(3) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made:

Provided that, if an Address is presented to His Majesty by either House of Parliament within twenty-one days after such regulations have been laid, being days on which that House has sat, praying that such regulations be annulled, they shall henceforth be void, without prejudice to the validity of anything previously done under the regulations or to the making of new regulations.

6. Offences.—If any person—

(a) being a person who is required by this Act to be licensed in that behalf manufactures for sale any therapeutic substance to which this Act applies without a licence for the purpose, or elsewhere than on premises in respect of which a licence is in force:

(b) contravenes or fails to comply with any conditions subject to which a licence under this Act is issued:

(c) sells or has in his possession for sale any therapeutic substance to which this Act applies knowing it to have been manufactured or imported in contravention of this Act or the regulations made thereunder:

(d) contravenes or fails to comply with the provisions of any regulation made under this Act;

he shall be guilty of an offence against this Act, and liable on summary conviction to a fine not exceeding one hundred pounds, or in the case of a second or subsequent conviction, to such a fine or to imprisonment with or without hard labour for a time not exceeding three months, and in either case to forfeit any goods in connection with which the offence was committed, and without prejudice, if the offender is the holder of a licence, to the power of the licensing authority to revoke or suspend the licence.

7. Interpretation.—(1) The following authorities shall be the licensing authorities for the purposes of this Act:—

(a) as respects England and Wales, the Minister of Health;

(b) as respects Scotland, the Scottish Board of Health;

(c) as respects Northern Ireland, the Minister of Home Affairs for Northern Ireland.

(2) For the purposes of this Act, the expression "court" means as respects England and Wales the High Court, as respects Scotland the Court of Session, and as respects Northern Ireland the High Court of Justice for Northern Ireland.

8. Short title, commencement and extent.—(1) This Act may be cited as the Therapeutic Substances Act, 1925.

(2) This Act shall come into operation on such day not being earlier than one year nor later than two years after the passing thereof as may be fixed by His Majesty by Order in Council.

(3) This Act shall extend to Great Britain and Northern Ireland, but in relation to Northern Ireland shall, as respects matters within the powers of the Parliament of Northern Ireland, be subject to repeal or alteration by that Parliament, as if it had been an Act passed before the appointed day within the meaning of the Government of Ireland Act, 1920.

SCHEDULE.

THERAPEUTIC SUBSTANCES TO WHICH THIS ACT APPLIES.

1. The substances commonly known as vaccines, sera, toxins, antitoxins and antigens.

2. The substance commonly known as salvarsan (Dioxy-diamino-arseno-benzol-di-hydrochloride) and analogous substances used for the specific treatment of infective disease.

3. The preparations of the specific antidiabetic principle of the pancreas, known as insulin.

4. Preparations of the posterior lobe of the pituitary body intended for use by injection.

CHAPTER 61.

ALLOTMENTS ACT, 1925.

An Act to facilitate the acquisition and maintenance of allotments, and to make further provision for the security of tenure of tenants of allotments. [7th August, 1925.]

Be it enacted, etc.:—

1. Interpretation.—In this Act, unless the context otherwise requires, "Allotment" means an allotment garden as defined by the Allotments Act, 1922, or any parcel of land not more than five acres in extent cultivated or intended to be cultivated as a garden or farm, or partly as a garden and partly as a farm;

"Commissioners" means the Public Works Loans Commissioners;

"The Act of 1922" means the Allotments Act, 1922.

2. Loans by Commissioners to allotment societies.—(1) Subject to such conditions and during such period as the Treasury may prescribe, and up to an aggregate amount approved by the Treasury, the Commissioners may, in manner provided by the Public Works Loans Act, 1875, as amended by this section, lend to any approved society money required for the purpose of purchasing land to be used as allotments.

(2) Any loan made under the powers of this section shall be secured by mortgage or charge on the lands in respect of which the loan is made, and such other land or property (if any) as the Society is willing to mortgage or charge with repayment of the loan.

(3) Lands purchased by an approved society, and in respect of which a loan is made by the Commissioners, shall thereafter, while owned by such society, be let to members of such society or others and used as allotments, provided that it shall be competent for the society to dispose of the land or any part thereof if so authorised by a resolution passed by two-thirds at least of the members present at a meeting of the society convened for this purpose by a notice stating the proposal for sale, and if the consent of the Minister of Agriculture and Fisheries is obtained:

Provided also that, if at the time of such sale any part of a loan made under this section remains unpaid, the sale shall also be subject to the consent of the Commissioners.

Nothing in this subsection shall affect or apply to the use or disposal of any such land by the Commissioners or any persons deriving title under them in such manner as they may think fit.

(4) The Commissioners shall not under this section advance a sum in excess of two-thirds of the value, as ascertained to the satisfaction of the Commissioners, of the land proposed to be acquired or make any advance to a society except where it is shown to the satisfaction of the Commissioners that an amount equal to one-third of the value of the land to be purchased has been provided from other sources in a manner approved by the Commissioners and has been, or will be, expended in part payment of the purchase price of the land to be mortgaged to the Commissioners.

(5) The rate of interest payable on the mortgage shall be such rate as the Treasury shall from time to time prescribe.

(6) The amount secured by the mortgage or charge, with interest thereon, shall be repayable within a period not exceeding thirty-five years by equal yearly or half-yearly instalments of principal and interest combined.

(7) The land comprised in the mortgage or charge must be freehold or copyhold land free from any mortgage or other charge affecting it in priority to the mortgage or charge of the Commissioners.

(8) For the purposes of this Act "approved society" means—

(a) a society registered under the Industrial and Provident Societies Acts, 1893 to 1923, or the Friendly Societies Acts, 1896 to 1924, one of whose objects is the provision of allotments, and which, by its constitution or otherwise, is restricted in relation to the rate of interest on share and loan capital and the distribution of profits amongst its members so as to comply with regulations made in that behalf by the Treasury; or

(b) a company registered under the Companies Acts, 1908 to 1918, which does not trade for profit, or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury.

(9) The powers conferred by this section on the Commissioners are in addition to and not in derogation of any powers conferred on them by any other enactment.

3. Provision for allotments in town-planning schemes.—(1) Every local authority or joint committee of local authorities preparing a town-planning scheme in pursuance of the Town Planning Act, 1925, shall, in preparing such scheme, consider what provision ought to be included therein for the reservation of land for allotments.

Before determining whether provision shall be included as aforesaid, the local authority or joint committee shall consult the council of any borough or urban district any part of whose district is within the area of the proposed scheme, and consider any recommendations which the council of the borough or urban district make.

Every local authority or joint committee submitting a town-planning scheme to the Minister of Health for his approval shall furnish therewith a statement under the hand of their clerk or other competent officer certifying that the requirements of this subsection have been complied with.

(2) The Minister of Health shall notify the Minister of Agriculture and Fisheries of any resolution passed by a local authority or joint committee deciding to prepare a town-planning scheme in pursuance of the Town Planning Act, 1925.

(3) The council of every borough or urban district, any part of whose district is within the area of a town-planning scheme, shall take into consideration from time to time, but at least once in every year, the question whether any and, if so, what lands within the area of the scheme are needed for allotments, whether reserved for the purpose or not, and ought to be acquired under and in accordance with the provisions of the Allotments Acts, 1908 to 1922, as amended by this Act.

(4) In the case of any borough or urban district for which an allotments committee is appointed under the Act of 1922, as amended by this Act, the council of the borough or urban district shall refer to their allotment committee any matter which they are required to consider

under sub-sections (1) and (3) of this section, or which is referred to them for their consideration by any other local authority under subsection (1) of this section, and shall consider the report of the allotments committee thereon.

4. *Limit of expenditure on provision of allotments.*—Notwithstanding the provisions of section sixteen of the Act of 1922, the council of any borough or urban district may take proceedings under the provisions of the Allotments Acts, 1908 to 1922, relating to allotments if, in the opinion of the Council, the expenses referred to in such section may reasonably be expected, after the proceedings are taken, to exceed the receipts of the council under those provisions by no greater amount than would be produced by a rate of one penny in the pound.

5. *Acquisition of land for future allotments.*—The council of a borough or urban district may acquire land for allotments, notwithstanding that the land or any part of it cannot immediately be let in allotments, provided that the Ministry of Health is satisfied, after consultation with the Minister of Agriculture and Fisheries, that there is a reasonable expectation that the land will eventually be required for allotments.

6. *Amendment of section ten (3) of Act of 1922.*—Section ten of the Act of 1922 is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:—

(b) by not less than three months' notice in writing given by the owner to the council in any case where the land is required for any purpose other than the use of the land for agriculture, sport, or recreation, and by not less than six months' notice in writing so given and expiring on or before the sixth day of April, or on or after the twenty-ninth day of September, where the land is required for use for sport or recreation.

7. *Amendment of section ten (4) of Act of 1922.*—The right of a tenant to claim compensation under subsection (4) of section ten of the Act of 1922 shall be exercisable notwithstanding that it is otherwise agreed in the contract of tenancy in any case where the rent payable by the tenant under his contract of tenancy for the land exceeds threepence per pole, unless, in the case of a tenancy existing at the passing of this Act, the council within three months after the passing of this Act gives notice in writing to the tenant that the rent of the land is as from the last preceding date for payment of rent reduced to a rent of threepence per pole or less.

8. *Sale, &c., of land used as allotments.*—Where a local authority has purchased land for use as allotments the local authority shall not sell, appropriate, use, or dispose of the land for any purpose other than use for allotments without the consent of the Minister of Agriculture and Fisheries after consultation with the Minister of Health, and such consent shall not be given unless the Minister is satisfied that adequate provision will be made for allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practicable, and where such consent is obtained the sanction of the county council under section thirty-two of the Small Holdings and Allotments Act, 1908, shall not be required.

9. *Amendment of s. 11 of the Act of 1922.*—Section eleven of the Act of 1922 shall be read as if the period of twenty-one days were substituted therein for the period of ten days as the period within which a notice may be served on the person requiring possession.

10. *Rating of new allotments.*—Where after the date of this Act coming into operation land which is not used for allotments commences to be so used, the gross value, or the gross estimated rental, for the purposes of any enactment relating to rating, at which the land is assessed immediately before such user shall not be increased during the first three years of such user, and where the land so used was immediately before such user included with other land in one assessment in the valuation list in force, the gross value or gross estimated rental of the land included in that assessment shall for the purposes of this section be apportioned according to acreage as between the land used for allotments and the other land:

Provided that, if on the application of any person interested, or without any such application, it appears to the assessment committee that apportionment according to acreage would work an injustice, the gross value or gross estimated rental shall be apportioned in such manner as the assessment committee may determine.

11. *Amendment of section seventeen of the Act of 1922.*—The provisions of subsection (1) of section seventeen of the Act of 1922, relating to the assessment of a council to rates shall apply to an approved society providing land for allotments in the same manner as it applies to a council, and subsection (2) of that section is hereby repealed.

12. *Allotment committees of urban authorities.*—(1) Subsection (1) of section fourteen of the Act of 1922 shall apply in any case where the total number of allotments provided by the council of a borough or urban district exceeds the number of four hundred, notwithstanding that the population of the borough or urban district is less than ten thousand.

(2) In section fourteen subsection (2) of the Act of 1922 the words "be not more than one-third of the total number of the members of the committee or be less than two or one-fifth of such total number" whichever be the larger number are hereby repealed, and the following words shall be and are hereby substituted therefore "be as near

"as may be one-third of the total number of the members of the committee, and in no case shall the number of representative members be less than two."

(3) This section shall not come into operation until the first day of November, nineteen hundred and twenty-five.

13. *Records of purchase price, rent, and rateable value of land acquired.*—Where land is purchased or leased by a local authority under the Allotments Acts, 1908 to 1922, or this Act, the local authority shall record the purchase price or rent agreed to be paid for the land, and the gross value of gross estimated rental at which the land is assessed for rating purposes at the date of its acquisition, where it is separately so assessed, or the apportioned part thereof as estimated by the local authority, where it is not so separately so assessed, and the particulars so recorded shall be included by each local authority in their annual report to the Minister of Agriculture and Fisheries under section fifty-nine of the Small Holdings and Allotments Act, 1908.

14. *Short title.*—(1) This Act may be cited as the Allotments Act, 1925, and the Allotments Acts, 1908 to 1922, and this Act may be cited together as the Allotments Acts, 1908 to 1925.

(2) This Act shall not apply to Scotland or Northern Ireland.

CHAPTER 62.

PUBLIC WORKS LOANS ACT, 1925

An Act to grant money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.
[7th August, 1925.]

CHAPTER 63.

DISEASES OF ANIMALS ACT, 1925.

An Act to provide for contributions out of moneys provided by Parliament towards the compensation payable by local authorities for the slaughter of cattle in accordance with orders made under the Diseases of Animals Act, 1894, in case of the existence or suspected existence of tuberculosis.
[7th August, 1925.]

Be it enacted, etc. :—

1. *Contribution out of moneys provided by Parliament to compensation paid by local authorities for slaughtered cattle.*—(1) Where in accordance with any order made by the Minister of Agriculture and Fisheries (hereinafter referred to as "the Minister") under section nineteen of the Diseases of Animals Act, 1894, directing or authorising the slaughter of cattle in case of the existence or suspected existence of tuberculosis, compensation is paid out of the local rate for the slaughter of any cattle by a local authority, the local authority shall be entitled to be repaid by the Minister, subject to any directions which may be given by the Treasury, out of moneys provided by Parliament a sum equal to three-fourths of the amount of compensation so paid by them, and any sum so repaid shall be carried by the local authority to the credit of the rate out of which the compensation was paid.

In this section the expression "cattle" means bulls, cows, oxen, heifers and calves.

(2) In computing for the purposes of this section the amount of compensation paid by a local authority, no deduction shall be made in respect of any sum received by the local authority on the sale of a carcase.

(3) All claims to repayments under this Act shall be made by a local authority quarterly, as on the first day of January, April, July and October, in respect of the compensation paid by them during the preceding three months, and a local authority shall furnish to the Minister such information as he may require in connection with any such claim.

2. *Application to Northern Ireland.*—(1) This Act in its application to Northern Ireland shall have effect as if references to a Secretary of State were therein substituted for references to the Minister.

(2) Where a local authority is entitled to a repayment under this Act in respect of any compensation paid by them, any sum payable under section seventy-two of the Diseases of Animals Act, 1894, out of the General Cattle Diseases (Northern Ireland) Fund in respect of such compensation shall be reduced to such amount as together with the sum which the authority is entitled to be repaid under this Act is equivalent to the total amount of the compensation paid by the authority after making all proper deductions for money received by them in respect of the animals slaughtered.

3. *Short title, and citation.*—This Act may be cited as the Diseases of Animals Act, 1925, and the Diseases of Animals Acts, 1894 to 1922, and this Act may be cited together as the Diseases of Animals Acts, 1894 to 1925.

CHAPTER 64.

SUMMER TIME ACT, 1925.

An Act to provide for the permanent adoption of summer time.

[7th August, 1925.]

Be it enacted, etc. :—

1. *Summer Time Act to be made permanent, and period of summer time extended.*—(1) The Summer Time Act, 1922, shall become a

permanent Act, and subsection (3) of section three of that Act is hereby repealed.

(2) Subsection (1) of section three of the Summer Time Act, 1922 (which defines the period of summer time for the purposes of that Act), shall, as from the commencement of this Act, have effect as though the first Saturday in October were therein substituted for the third Saturday in September.

2. *Short title.*—This Act may be cited as the Summer Time Act, 1925, and shall be construed as one with the Summer Time Act, 1922, and that Act and this Act may be cited together as the Summer Time Acts, 1922 to 1925.

CHAPTER 65.

TELEGRAPH (MONEY) ACT, 1925.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1924. [7th August, 1925.]

CHAPTER 66.

SEEDS (AMENDMENT) ACT, 1925.

An Act to amend the Seeds Act, 1920. [7th August, 1925.]

Be it enacted, etc. :—

1. *Amendment of 10 & 11 Geo. 5, c. 54.*—(1) To section eleven of the Seeds Act, 1920, shall be added the following subsection, namely :—

(3) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction proceedings for an offence under this Act for making or causing to be made a false statement as to the class or variety of seed potatoes, may be commenced at any time within twelve months of the date on which the alleged offence was committed.

(2) This Act shall not extend to Northern Ireland.

2. *Short title.*—This Act may be cited as the Seeds (Amendment) Act, 1925.

CHAPTER 67.

WIRELESS TELEGRAPHY (EXPLANATION) ACT, 1925.

An Act to explain the meaning of the expressions "transmission" and "rent or royalty" where used in certain provisions of the Wireless Telegraphy Act, 1904. [7th August, 1925.]

CHAPTER 68.

ROADS IMPROVEMENT ACT, 1925.

An Act to make further provision for the improvement of roads including the prescription of building lines, and for purposes connected therewith. [7th August, 1925.]

Be it enacted, etc. :—

1. *Planting of trees and laying out of grass margins in highways.*—

(1) The Minister of Transport (hereinafter referred to as the Minister) and any county council or other highway authority shall have power to cause trees or shrubs to be planted and grass margins to be laid out in any highway maintainable by him or them respectively; and to erect and maintain guards or fences and otherwise to do anything expedient for the maintenance or protection of such trees, shrubs and grass margins.

(2) No such tree, shrub, grass margin, guard or fence shall be placed, laid out or allowed to remain in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof, or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the highway.

(3) The powers conferred by this section shall not be exercised by the Minister, or any county council or other highway authority except in a highway vested in him or them respectively, or upon land so vested which forms part of a highway.

(4) Where an urban authority incurs expenses under this section in connection with a main road which is maintained and repaired by that authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the expenses shall not be treated as part of the costs towards which the county council are required to make an annual payment under that subsection except where and so far as the county council consent to their being so treated.

(5) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Minister, county council or other highway authority by whom the powers were exercised.

(6) For the purposes of section seven of the Telegraph Act, 1878, any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament, and any county council or highway authority carrying out the work shall be deemed to be the undertakers.

2. *Amendment of s. 8 of 9 Edw. 7, c. 47.*—For the purposes of Part II. of the Development and Road Improvement Funds Act, 1909, the expression "improvement of roads" shall, in addition to the matters specified in subsection (5) of section eight of that Act, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside roads, the placing on or near roads of notices, milestones and sign posts, the freeing of roads from tolls, and the prescription of building lines along roads.

3. *Acquisition of land to be given in exchange for common land, &c.*—Where under Part II. of the Development and Road Improvement Funds Act, 1909, a new road is constructed, or an advance is made in respect of the construction or improvement of a road, and land forming part of any common, open space, or allotment, is under any enactment acquired, or proposed to be acquired, for the purposes of such construction or improvement, if any land is required for the purpose of being given in exchange for such land, the land required to be given in exchange shall be deemed to be required for the purpose of the construction or improvement of the road, and the provisions of section eleven of the said Act, as amended by any subsequent enactment, shall apply accordingly.

4. *Prevention of obstruction to view at corners.*—(1) Where the Minister or any county council or other highway authority is of opinion that it is necessary for the prevention of danger arising from obstruction to the view of persons using the highway to impose restrictions with respect to any land at or near any corner or bend in a highway maintainable by him or them, respectively, the Minister, county council, or other highway authority may serve a notice—

(a) upon the owner or occupier of the land directing him to alter the height or character of any wall (not being a wall forming part of the structure of a permanent edifice), fence, or hedge thereon so as to cause it to conform with any requirements specified in the notice; or

(b) upon every owner, occupier and lessee of the land restraining them either absolutely or subject to such conditions as may be specified in the notice, from permitting any building, wall, fence, or hedge to be erected or planted on the land :

Provided that—

(i) there shall be annexed to any notice served under this section a plan showing the land to which the notice relates; and

(ii) a notice restraining the erection of any building upon land shall not be served by the Minister or any county council or other highway authority except with the consent of the local authority for the district in which the land is situated; and

(iii) the owner or occupier of any land shall not be restrained by a notice served under this section from executing or permitting the reconstruction or repair in such manner as not to create any new obstruction to the view of persons using the highways adjacent to the land of any building which was upon the land before the service of the notice.

(2) Any restrictions imposed by a notice served under this section shall come into force upon the service of the notice and shall remain in force until the notice is withdrawn by the Minister, county council, or other highway authority by whom it was served, and any such restrictions shall, while in force, be binding upon any successor in title to the owner or occupier of the land to which they relate unless he proves that when he became the owner or occupier of the land he had after making due inquiries, no reasonable cause to suspect that any such restrictions were in force.

(3) If any person upon whom a notice has been served under this section objects to comply with any requirement of the notice, or objects to any restriction imposed thereby, he may, within fourteen days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the authority by whom the notice was served, and thereupon the question whether the notice shall be withdrawn as respects any requirement or restriction objected to shall be determined in the manner provided by this Act.

(4) Any person upon whom a notice is served under this section shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(5) Where notice has been served upon any person under this section, the Minister, county council, or other highway authority by whom the notice was served may, with the consent of that person, do on his behalf anything necessary for complying with the requirements of the notice.

(6) Subject to the provisions of this section, if any person upon whom a notice has been served under this section fails to comply with the requirements of, or acts in contravention of, the notice, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall within such time as the court may allow do all such things as may be necessary to conform to the requirements or restrictions imposed by the notice, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(7) Any person upon whom a notice is served under this section shall be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served any expenses reasonably incurred by him in carrying out any directions contained in the notice; and any person sustaining loss in direct consequence of any requirement of a notice served under this section, or any person who proves that his property is injuriously affected by restrictions imposed by any such notice shall, if he makes a claim within six months after the service of the notice be entitled to recover from the Minister, county council, or other highway authority by whom the notice was served compensation for the injury sustained.

(8) The improvement of a road by a county council or other highway authority in exercise of their powers under this section shall, whether or not land is required to be purchased for the purpose, be deemed to be an improvement in respect of which the Minister is empowered to make advances under section eight of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment.

(9) Nothing in this section shall—

(a) authorise the service of a notice under this section with respect to any wall forming part of an ancient monument or other object of archaeological interest, except with the consent in writing of the Commissioners of Works; or

(b) apply, with respect to any wall belonging to a railway company or to the owners, trustees, or conservators acting under powers conferred by Parliament of any canal, inland navigation, dock, or harbour where the wall forms part of or is necessary for the maintenance of their railway, canal, inland navigation, dock, or harbour.

5. *Prescription of building lines.*—(1) Subject to the provisions of this section a county council or other highway authority may by resolution prescribe in relation to either side of any part of a highway maintainable by them a frontage line for building (in this section referred to as "a building line"):

Provided that—

(a) the Minister may by order direct that a building line shall not be prescribed under this section in relation to any class of road classified by him under sub-section (2) of section seventeen of the Ministry of Transport Act, 1919, until notification of the building line proposed has been sent to him and his observations with respect thereto have been considered; and

(b) before a building line is prescribed under this section—

(i) affecting any main road maintainable by an urban authority by virtue of the provisions of sub-section (2) of section eleven of the Local Government Act, 1888, notification of the building line proposed to be prescribed shall be sent to the council of any county in which any land proposed to be affected is situated; or

(ii) by any county council, notification of the building line proposed to be prescribed shall be sent to the local authority for every district in which any land proposed to be affected is situated, and to every authority for the time being authorised to make a scheme under the Town Planning Act, 1925, or under any enactment repealed by that Act, in respect of any such district,

and any observations by an authority to whom notification has been sent as aforesaid, which are made within three months after the receipt of the notification shall be considered by the authority proposing to prescribe the building line.

(2) Any building line proposed to be prescribed and every building line prescribed under this section shall be distinctly marked and shown on plans to be signed by, and deposited with, the clerk of the authority prescribing the building line, and the said plans shall be at all reasonable times thereafter open for the inspection of the public without charge; and any county council or other highway authority prescribing a building line under this section—

(a) before the building line is prescribed shall give notice in writing of the proposal to prescribe the building line and of the times and place at which the plans aforesaid can be inspected, by serving a notice in writing upon every owner, occupier and lessee of land proposed to be affected, and shall consider any objection to the proposal made within six weeks after the service of the notice;

(b) within six weeks after the building line has been prescribed, shall cause the plan showing the building line to be sealed and authenticated by the signature of their clerk, and shall serve upon every owner, occupier and lessee of land affected a notice in writing of the prescription of the building line and of the times and place at which the said plan can be inspected.

(3) Where a building line prescribed under this section is in force it shall not be lawful, except with the consent of the authority by whom the building line was prescribed, to erect or make nearer to the middle of the highway than the building line any new building, other than a boundary wall or fence, or any permanent excavation below the level of the highway:

Provided that the consent of a county council or other highway authority for the purposes of this sub-section may be given subject to such conditions as the authority think fit to impose, and any conditions so imposed shall be binding upon any successor in title to the owner, occupier or lessee of any land to which they relate.

(4) If any person erects or makes, or permits to be erected or made any new building or permanent excavation in contravention of the provisions of this section, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence and

shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall, within such time as the court may allow, remove any building erected, or fill in any excavation made in contravention of this section, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(5) Any person who proves that his property is injuriously affected by the prescription of a building line under this section shall, if he makes a claim within six months after the prescription thereof, or in the case of an owner, occupier, or lessee, within six months after the service upon him of a notice of the prescription thereof, be entitled to recover from the county council or other highway authority by whom the building line was prescribed, compensation for the injury sustained, and any question whether compensation is payable under this section, or as to the amount of any compensation so payable, shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that in determining any such question as aforesaid—

(a) no compensation shall be payable to any person in respect of anything done by him or on his behalf after the date of the service upon him of a notice of the proposal to prescribe a building line except in respect of anything done in pursuance of a contract made, or for the purpose of finishing a building begun, before that date; and

(b) there shall be taken into account any benefit accruing to the person to whom compensation is payable, by reason of any improvement made or about to be made to the highway.

(6) In the administrative County of London the powers conferred by this section shall not be exercised except by the London County Council, and may be exercised by that council in relation to any highway, whether maintainable by them, by the Common Council of the City of London, or by a metropolitan borough council; and all expenses of the London County Council incurred under this section, so far as not defrayed out of any advance made by the Minister, shall be defrayed as expenses for general county purposes:

Provided that the Common Council of the City of London and any metropolitan borough council may, as part of the general expenses of the council, pay or contribute towards the payment of any expenses incurred by the London County Council under this section.

(7) The powers conferred by this section shall be in addition to, and not in derogation of, any powers conferred by any other Act:

Provided that a county council or other highway authority shall not, except with the consent of the Minister of Health and subject to any conditions imposed by him, exercise the powers conferred by this section with respect to any land to which a resolution having effect under section two of the Town Planning Act, 1925, or under any corresponding enactment repealed by that Act, extends.

(8) Nothing in this section shall affect—

(a) any right of statutory undertakers for gas, water, electricity, tramways or light railways, to make any excavation for the purpose of laying, altering, repairing or renewing any main, pipe, electric line, duct or other apparatus; or

(b) any land belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour where the land is held by them for the purposes of their railway, canal, inland navigation, dock or harbour, except in so far as they may consent thereto; or

(c) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture or storage of gas, the generating of electricity, or as a pumping station or reservoir for water, except in so far as the undertakers may consent thereto:

Provided that any consent required for the purposes of this sub-section shall not be unreasonably withheld, and any question whether or not consent so required is unreasonably withheld shall be determined by the Minister after consultation with the Minister of Health.

6. *Power to conduct experiments.*—(1) The Minister may, either by himself or through any authority or other organisation approved by him, conduct experiments or trials for the improvements of the construction of roads, or for testing the effect of various classes of vehicles on various types of roads, and may construct such roads and works, erect such plant, provide such accommodation, and, subject to the approval of the Treasury, incur such expenditure as may be necessary for the purpose.

(2) An experiment or trial under this section shall not be conducted on any highway except with the consent of the authority or person responsible for the maintenance of the highway, and, where the highway is a main road maintained by an urban authority pursuant to subsection (2) of section eleven of the Local Government Act, 1888, the consent of the county council also.

(3) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefrom from the Minister.

7. *Joint exercise of powers.*—The powers conferred by this Act upon the Minister, or any county council or other highway authority may, by agreement between any of them respectively, be exercised jointly, and any such agreement may provide for the apportionment of any expenses incurred thereunder.

8. *Expenses.*—All expenses under this Act incurred by the Minister shall be paid out of the Road Fund, and all such expenses incurred by a county council or other highway authority, so far as not defrayed out of any advance made by the Minister, shall, except as otherwise in this Act expressly provided, be defrayed as expenses incurred by the county council or authority in exercise of their powers as a highway authority, and the enactments relating to such expenses, including the provisions thereof as to borrowing, shall apply accordingly.

9. *Determination of questions.*—(1) If any question arises—

(a) whether compensation is payable under any of the provisions of this Act except section five thereof or as to the amount of any compensation so payable; or

(b) whether a notice served under section four of this Act shall be withdrawn as respects any requirement or restriction objected to in manner provided by this Act; or

(c) whether any expenses were reasonably incurred by any person in carrying out directions contained in a notice served under section four of this Act;

the question shall be decided, if the parties so agree, by a single arbitrator appointed by them, or in default of such agreement as aforesaid, by the county court.

(2) A county court shall have jurisdiction to deal with any such question as aforesaid, notwithstanding that, by reason of the amount of claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

(3) In determining any question whether a notice served under section four of this Act shall be withdrawn as respects a requirement or restriction objected to, the arbitrator or court shall have power to order that the requirement or restriction shall have effect subject to such modifications, if any, as the arbitrator or court may direct.

(4) Except in so far as they may be applied by county court rules, the provisions of the Arbitration Act, 1889, shall not apply to any proceedings in a county court under this Act.

10. *Provisions as to notices.*—Subject as hereinafter provided, every notice which may be served under this Act may be served either by delivering it or leaving it at the usual or last known place of abode of the person on whom it is to be served, or by sending it by post as a registered letter addressed to him at his usual or last known place of abode, or if that cannot be found, by fixing it on some conspicuous part of the land; and any such notice or document may be addressed, as the case may require, to the "owner," "occupier" or "lessee" of the land (describing it) without further name or description:

Provided that a notice requiring the owner or occupier of land to alter the height or character of any wall, fence or hedge thereon shall be served personally upon him or his agent, or upon some person having charge of his affairs, and if the notice is served upon the occupier a copy thereof shall be served upon the owner, or if it is served upon the owner a copy thereof shall be served upon the occupier of the land.

11. *Interpretation.*—In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Building" includes any erection of whatsoever material and in whatsoever manner constructed, and any part of a building;

"Common, open space and allotment" have the meanings respectively assigned to them by the Development and Road Improvement Funds Act, 1909;

"Fence" includes any hoarding or paling;

"Hedge" includes any tree or shrub, whether forming part of a hedge or not;

"Local authority for the district" means as respects land within the administrative County of London, the Common Council of the City of London, or a metropolitan borough council, as the case may require, and as respects any other land, the district council;

"New building" includes any addition to an existing building;

"Owner" has the same meaning as in the Public Health Acts, 1875 to 1907;

"Road" includes any bridge, viaduct, subway, road, ferry and footway;

"Wall" includes any partition of whatsoever material constructed and any bank.

12. *Application to Scotland.*—In the application of this Act to Scotland—

(a) a reference to the Scottish Board of Health shall be substituted for any reference to the Minister of Health, and a reference to the Town Planning (Scotland) Act, 1925, shall be substituted for any reference to the Town Planning Act, 1925;

(b) The expression "highway authority" shall mean a county council or a district committee in a county divided into districts, or a town council charged with the management and maintenance of the highways in the burgh;

(c) The expression "county court" shall mean sheriff court;

(d) Sub-section (3) of section one shall not apply as regards any highway authority, but the powers conferred by that section shall not be exercised by any county council, district committee, or town council in any highway or in any land forming part thereof unless the county council, district committee, or the town council of the county, district or burgh in which such highway is situated is charged with the management and maintenance thereof;

(e) paragraph (ii) of the proviso to sub-section (1) of section four, and paragraph (b) of the proviso to sub-section (1) of section five shall not apply, but a notice restraining the erection of any building on land situated within a burgh the town council of which is not charged with the management and maintenance of the highways therein, shall not be served without the consent of such town council, and a building line affecting land within any such burgh shall not be prescribed by a county council or by a district committee without the consent of the town council of such burgh.

13. *Short title and extent.*—(1) This Act may be cited as the Roads Improvement Act, 1925.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 69.

UNEMPLOYMENT INSURANCE ACT, 1925.

An Act to amend subsection (3) of section one and subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924, to amend the law with respect to the period on the expiration of which benefit under the Acts relating to unemployment insurance becomes payable and with respect to the rates of contribution under the said Acts, and to continue the saving contained in subsection (1) of section eleven of the Unemployment Insurance Act, 1923.

[7th August, 1925.]

Be it enacted, etc. :—

1. *Amendment of s. 1 (3) of Unemployment Insurance (No. 2) Act, 1924.*—Subsection (3) of section one of the Unemployment Insurance (No. 2) Act, 1924 (which gives a right to receive benefit to persons who otherwise would not be entitled thereto), shall have effect as if for the words "he shall nevertheless be entitled to receive benefit" there were substituted the words "the Minister may, if, having regard to all the circumstances of the case, he considers it expedient in the public interest so to do, authorise that person to receive benefit."

2. *Amendment as to statutory conditions.*—Subsection (2) of section three of the Unemployment Insurance (No. 2) Act, 1924 (which provides that during the period between the commencement of that Act and the first day of October, nineteen hundred and twenty-five, a person is to be entitled to receive benefit, if the Minister thinks fit so to direct, notwithstanding that the first statutory condition may not have been fulfilled in his case) shall have effect as though the thirtieth day of June, nineteen hundred and twenty-seven, were therein substituted for the first day of October, nineteen hundred and twenty-five.

3. *Amendment as to waiting period.*—Paragraph 1 of Part I. of the First Schedule to the Unemployment Insurance (No. 2) Act, 1924 (which provides that benefit shall be payable in respect of each week after the first three days of a continuous period of unemployment), shall from the first day of October, nineteen hundred and twenty-five, have effect as if the words "the first week" were therein substituted for the words "the first three days."

4. *Rates of contribution.*—(1) The following provisions shall have effect with respect to the contributions payable under the Unemployment Insurance Acts, 1920 to 1924, in respect of employed persons :—

(a) As from and after the fourth day of January, nineteen hundred and twenty-six, and thereafter during the remainder of the deficiency period as defined in section sixteen of the Unemployment Insurance (No. 2) Act, 1921, and during a further period thereafter ending on such date as the Minister may by order prescribe, not being a date later than the first day of the insurance year commencing next after the end of the aforesaid deficiency period (the aggregate of which two periods is in this section referred to as "the extended period"), the contributions payable as aforesaid by employed persons and their employers shall be at the respective rates set out in the First Schedule to this Act :

(b) As from and after the fifth day of April, nineteen hundred and twenty-six, until the expiration of the extended period, the contribution payable as aforesaid out of moneys provided by Parliament shall be a contribution of such an amount as may be determined by the Treasury to be approximately equivalent, having regard to the estimated proportions in which contributions are payable in respect of men, women, boys and girls, to the sum which would be produced by weekly contributions paid in respect of insured and exempt persons as respects the period beginning on the said fifth day of April, nineteen hundred and twenty-six, and ending on the first day of January, nineteen hundred and twenty-eight, or on the date of the expiration of the extended period, whichever date is the earlier, at the respective rates set out in Part I. of the Second Schedule to this Act, and, if the extended period does not expire on or before the first day of January, nineteen hundred and twenty-eight, then, as respects the period beginning on the second day of January, nineteen hundred and twenty-eight, and ending on the date of the expiration of the extended period, at the respective rates set out in Part II. of the Second Schedule to this Act :

(c) If at the end of the first quarter of the year nineteen hundred and twenty-six or at the end of any subsequent quarter of any year the Minister, with the concurrence of the Treasury, declares that the average of the amounts of the advances made by the Treasury to

the unemployment fund (in this section referred to as "advances") outstanding on the last day of each week in the quarter together with the interest accrued up to the said last day in respect of advances exceeds the amount of the advances outstanding on the thirty-first day of December, nineteen hundred and twenty-five, together with interest accrued up to the said thirty-first day in respect of advances (which last-mentioned amount together with the accrued interest is hereinafter referred to as "the 1925 debt"), the rates of the contributions payable out of moneys provided by Parliament shall be deemed to have been increased in respect of that quarter, in the case of an employed person being a man by one penny, and in any other case by one halfpenny:

(d) If at any time during the extended period the amount of the outstanding advances together with interest accrued thereon does not exceed the amount of the 1925 debt, and the Minister is of opinion, and the Treasury concur therein, that, having regard to all the circumstances of the case, the amount of the advances which will at any time during the next succeeding insurance year be outstanding together with interest accrued thereon is not likely to exceed the amount of the 1925 debt, the Minister may, in respect of contributions payable for that next succeeding insurance year, by regulations reduce the rate of the contribution payable by the employer by one penny in the case of the contribution payable in respect of a man or a woman and by one halfpenny in the case of the contribution payable in respect of any other person.

Where it is necessary to ascertain any amount for the purposes of the foregoing paragraphs (c) and (d), that amount shall be ascertained by the Minister in consultation with the Treasury. An order made under paragraph (a) of this subsection shall be laid before both Houses of Parliament in the same manner as regulations made under the Unemployment Insurance Act, 1920, and subsection (3) of section thirty-five of that Act shall apply accordingly.

(2) After the end of the extended period the contribution to be made for the purposes of section five of the principal Act out of moneys provided by Parliament shall be at a rate equal to three-sevenths of the aggregate amount of the contributions paid in respect of the employed person by himself and his employer, or, in the case of an exempt person, paid by his employer, and subsections (3) and (7) of the said section five shall have effect accordingly, and the contributions payable by employed persons and their employers shall be at rates to be prescribed under subsection (2) of section four of the Unemployment Insurance Act, 1923, as if the date prescribed under this section were the date prescribed under that section.

(3) Nothing in this section shall affect the provisions of sections fifteen and sixteen of the Unemployment Insurance Act, 1920 (which provide respectively for securing the solvency of the unemployment fund and for a periodical revision of the rates of contribution).

5. *Saving, repeal, application, short title and commencement.*—

(1) Notwithstanding anything in any Act, it shall not be necessary for the Minister at any time before the first day of July, nineteen hundred and twenty-six, to require any association to make for the purposes of proviso (a) to subsection (1) of section seventeen of the principal Act, any greater provision for unemployment benefit than would have been required to be made for those purposes under that Act as originally enacted.

(2) This Act does not apply to Northern Ireland.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule as from the dates on which the corresponding provisions of this Act respectively come into operation.

(4) This Act may be cited as the Unemployment Insurance Act, 1925, and shall be construed as one with the Unemployment Insurance Acts, 1920 to 1924, and those Acts and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1925, and any reference in this Act to the Unemployment Insurance Acts, 1920 to 1924, or to any of those Acts, shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act, or that provision, as amended by this Act.

(5) This Act shall, except as therein otherwise expressly provided, come into operation on the second Thursday next after the passing thereof.

SCHEDULES.

FIRST SCHEDULE.

RATES OF CONTRIBUTIONS BY EMPLOYED PERSONS AND EMPLOYERS

Ordinary Rates.

From the employed person for each week :—	<i>s. d.</i>
In the case of men	7
In the case of women	6

From the employer for each week :—	
In the case of employed persons being men	8
In the case of employed persons being women	7

Rates in the case of Persons under eighteen.

From the employed person for each week :—	<i>s. d.</i>
In the case of boys	3½
In the case of girls	3

From the employer for each week :—

In the case of employed persons being boys	4
In the case of employed persons being girls	3½

SECOND SCHEDULE.

RATES OF CONTRIBUTIONS OUT OF MONEYS PROVIDED BY PARLIAMENT.

PART I.

DURING THE EXTENDED PERIOD, OR, IF THE EXTENDED PERIOD DOES NOT EXPIRE ON OR BEFORE 1ST JANUARY 1928, DURING THE PERIOD ENDING ON THAT DATE.

Ordinary Rates.

For every contribution paid in respect of a man	<i>s. d.</i>
For every contribution paid in respect of a woman	8
For every contribution paid in respect of a woman	6

Rates in the case of Persons under eighteen.

For every contribution paid in respect of a boy	4½
For every contribution paid in respect of a girl	4½

Rates in the case of exempt Persons.

For every contribution paid in respect of a man	2½
For every contribution paid in respect of a woman	2½
For every contribution paid in respect of a boy	1½
For every contribution paid in respect of a girl	1½

PART II.

DURING SUCH TIME AS THE EXTENDED PERIOD CONTINUES AFTER 1ST JANUARY 1928.

Ordinary Rates.

For every contribution paid in respect of a man	<i>s. d.</i>
For every contribution paid in respect of a woman	7
For every contribution paid in respect of a woman	5½

Rates in the case of Persons under eighteen.

For every contribution paid in respect of a boy	4½
For every contribution paid in respect of a girl	3½

Rates in the case of exempt Persons.

For every contribution paid in respect of a man	2
For every contribution paid in respect of a woman	1½
For every contribution paid in respect of a boy	1
For every contribution paid in respect of a girl	¾

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo. 5, c. 7.	The Unemployment Insurance Act, 1922.	Section two and the First Schedule.
13 & 14 Geo. 5, c. 2.	The Unemployment Insurance Act, 1923.	In subsection (2) of section four the words from "and" "the contribu-" "tion to be" "made" to the end of the sub-section, and sub-section (1) of section eleven.
14 & 15 Geo. 5, c. 30.	The Unemployment Insurance (No. 2) Act, 1924.	Section five.

CHAPTER 70.

WIDOWS' ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT, 1925.

An Act to make provision for pensions for widows, orphans, and persons between the ages of sixty-five and seventy, and for the payment of contributions in respect thereof; and to amend the enactments relating to health and unemployment insurance and old age pensions; [7th August, 1925.]

CHAPTER 71.

PUBLIC HEALTH ACT, 1925.

An Act to amend the Public Health Acts, 1875 to 1907, and the Baths and Washhouses Acts, 1846 to 1899, in respect of matters for which provision is commonly made in local Acts and for other purposes relating to the public health. [7th August, 1925.]

CHAPTER 72.

HONOURS (PREVENTION OF ABUSES) ACT, 1925.

An Act for the prevention of abuses in connection with the Grant of Honours. [7th August, 1925.]

Be it enacted, etc. :—

1. *Punishment of abuses in connection with the grant of honours.*—

(1) If any person accepts or obtains or agrees to accept or attempts to

obtain from any person, for himself or for any other person, or for any purpose, any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a misdemeanour.

(2) If any person gives, or agrees or proposes to give, or offers to any person any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to any person, or otherwise in connection with such a grant, he shall be guilty of a misdemeanour.

(3) Any person guilty of a misdemeanour under this Act shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, and where the person convicted (whether on indictment or summarily) received any such gift, money, or consideration as aforesaid which is capable of forfeiture, he shall in addition to any other punishment be liable to forfeit the same to His Majesty.

(4) The Vexatious Indictments Act, 1859, as amended by any subsequent enactment, shall apply to offences under this Act as if they were included among the offences mentioned in section one of that Act.

2. *Short title.*—This Act may be cited as the Honours (Prevention of Abuses) Act, 1925.

CHAPTER 73.

NATIONAL LIBRARY OF SCOTLAND ACT, 1925.

An Act to establish a National Library in Scotland on the foundation of the Library gifted for that purpose by the Faculty of Advocates, and for purposes connected therewith. [7th August, 1925.]

CHAPTER 74.

DANGEROUS DRUGS ACT, 1925.

An Act to amend the Dangerous Drugs Acts, 1920 and 1923, so far as is necessary to enable effect to be given to a Convention signed at Geneva on behalf of His Majesty on the nineteenth day of February, nineteen hundred and twenty-five. [7th August, 1925.]

Whereas at a conference held at Geneva for the purpose of completing and strengthening the provisions of the International Opium Convention signed at the Hague on the twenty-third day of January, nineteen hundred and twelve (hereinafter referred to as "the Hague Convention"), a convention for the purpose aforesaid (hereinafter referred to as "the Geneva Convention") was signed on behalf of His Majesty on the nineteenth day of February, nineteen hundred and twenty-five:

And whereas by Article 8 of the Geneva Convention it is provided that, in the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office International d'Hygiene Publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in Chapter III of the Convention (being the drugs to which Part III of the Dangerous Drugs Act, 1920, as amended by this Act, applies) cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded, and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations, and that the Council shall communicate the finding to the parties to the Convention, and thereupon the provisions of the Convention will not be applicable to the preparation concerned:

And whereas it is provided by Article 31 of the Geneva Convention that that Convention shall as between the parties thereto replace the provisions of Chapters I, III and V of the Hague Convention, which provisions are to remain in force as between the parties to the Geneva Convention and any parties to the Hague Convention which are not parties to the Geneva Convention:

And whereas by Article 36 of the Geneva Convention it is provided that that Convention shall not come into force until it has been ratified as therein mentioned:

And whereas it is expedient to amend the Dangerous Drugs Acts, 1920 and 1923, so far as is necessary to enable effect to be given to the Geneva Convention:

Be it therefore enacted, etc.:-

1. *Extension of Part I of Dangerous Drugs Act, 1920, to coca leaves and Indian hemp.*—(1) Part I of the Dangerous Drugs Act, 1920 (which restricts the importation and exportation of, and gives power to regulate dealings in, raw opium), shall, as amended by this Act, apply to coca leaves, Indian hemp, and resins obtained from Indian hemp and all preparations of which such resins form the base, as it applies to raw opium.

(2) In this Act—

The expression "coca leaves" means the leaves of any plant of the genus of the erythroxylaceae from which cocaine can be extracted either directly or by chemical transformation:

The expression "Indian hemp" means the dried flowering or fruiting tops of the pistillate plant known as *cannabis sativa* from which the resin has not been extracted, by whatever name such tops are called.

2. *Amendment of s. 2 (1) of Dangerous Drugs Act, 1920.*—The words "and except in packages marked in the prescribed manner with an indication of the contents thereof" in subsection (1) of section two of the Dangerous Drugs Act, 1920 (which restricts the exportation of raw opium), are hereby repealed.

3. *Amendment as to drugs to which Part III of Dangerous Drugs Act, 1920, applies.*—The following shall be substituted for subsection (1) of section eight of the Dangerous Drugs Act, 1920 (which defines the drugs to which Part III of that Act applies):—

"(1) The drugs to which this Part of this Act applies are morphine, cocaine (including synthetic cocaine), ecgonine, diacetylmorphine (commonly known as diamorphine or heroin), and their respective salts, medicinal opium, and any extract or tincture of Indian hemp, and any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine or containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or ecgonine.

"For the purpose of the foregoing provision the expression 'ecgonine' means laevo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine."

4. *Meaning of "medicinal opium."*—(1) For the purposes of the Dangerous Drugs Acts, 1920 and 1923, and this Act, the expression "medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances.

(2) The definition of medicinal opium in subsection (1) of section fifteen of the Dangerous Drugs Act, 1920, is hereby repealed.

5. *Power to exclude certain preparations from Part III of Dangerous Drugs Act, 1920.*—If His Majesty in Council thinks fit to declare that a finding with respect to any preparation containing any of the drugs to which Part III of the Dangerous Drugs Act, 1920, as amended by this Act, applies has in pursuance of Article 8 of the Geneva Convention been communicated by the Council of the League of Nations to the parties to the said Convention, the provisions of the said Part III shall as from such date as may be specified in the Declaration cease to apply to the preparation specified therein.

6. *Amendment of s. 6 (2) of Dangerous Drugs and Poisons (Amendment) Act, 1923.*—Subsection (2) of section six of the Dangerous Drugs and Poisons (Amendment) Act, 1923 (which defines the expression "corresponding law") shall have effect as though the reference therein to the provisions of the Hague Convention included a reference to the provisions of the Geneva Convention.

7. *Short title, extent and commencement.*—(1) This Act may be cited as the Dangerous Drugs Act, 1925, and the Dangerous Drugs Act, 1920 and 1923, and this Act may be cited together as the Dangerous Drugs Acts, 1920 to 1925.

(2) This Act shall not extend to Northern Ireland, except in so far as it amends the Dangerous Drugs Acts, 1920 and 1923, in relation to matters with respect to which the Parliament of Northern Ireland have not power to make laws.

(3) This Act shall come into operation on such date as His Majesty may by Order in Council appoint, and different dates may be appointed for different provisions of this Act and in relation to different countries.

CHAPTER 75.

PUBLIC HEALTH (SCOTLAND) AMENDMENT ACT, 1925.

An Act to authorise local authorities under the Public Health (Scotland) Act, 1897, to make arrangements for providing medicines and treatment to persons suffering from diabetes, and for purposes connected therewith. [10th December, 1925.]

CHAPTER 76.

EXPIRING LAWS ACT, 1925.

An Act to deal with certain Expiring Laws by making some of them permanent, continuing some of them permanently, and continuing the remainder for a limited period. [10th December, 1925.]

Whereas the Acts mentioned in Part I of the First Schedule of this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the 31st day of December, nineteen hundred and twenty-five:

And whereas by virtue of repeals effected by the Law of Property (Amendment) Act, 1924, and the Administration of Estates Act, 1925, the Acts mentioned in Part II of the said Schedule will, to the extent

mentioned in the third column thereof, cease to have effect and expire on the thirty-first day of December, nineteen hundred and twenty-five:

And whereas of the Acts mentioned in the Second Schedule to this Act, those mentioned in Parts I, II and III thereof are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-five, the twenty-third day of December, nineteen hundred and twenty-five, the fifteenth day of February, nineteen hundred and twenty-six respectively, and those mentioned in Part IV thereof are limited to expire on the thirty-first day of March, nineteen hundred and twenty-six:

And whereas it is expedient that the Acts mentioned in the First Schedule to this Act should be made permanent or continue permanently in force, and that the Acts mentioned in the Second Schedule to this Act should be continued, as in this Act mentioned, together in each case with any enactments amending or affecting the same:

Be it therefore enacted, etc.:-

1. Certain Acts to be permanent.]—(1) The Acts mentioned in Part I of the First Schedule to this Act shall, to the extent specified in column three of that schedule, become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts or any parts thereof are to remain in operation shall cease to have effect.

(2) The Acts mentioned in Part II of the First Schedule to this Act shall, notwithstanding any such repeal as is hereinbefore mentioned, not expire on the date fixed for the repeal thereof, but shall continue permanently in force.

2. Certain Acts to be continued temporarily.]—(1) The Acts mentioned in Parts I to III inclusive of the Second Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of December, nineteen hundred and twenty-six, and shall then expire, unless further continued.

(2) The Acts mentioned in Part IV of the Second Schedule to this Act shall, to the extent specified in column three of that schedule, be continued until the thirty-first day of March, nineteen hundred and twenty-seven, and shall then expire, unless further continued.

3. Amending enactments.]—Any unrepealed enactments amending or affecting the enactments made permanent or continued by this Act shall, in so far as they are temporary in their duration, become permanent or be continued in like manner, whether they are mentioned in the First or Second Schedule (as the case may be) to this Act or not.

4. Short title and application to Ireland.]—(1) This Act may be cited as the Expiring Laws Act, 1925.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Ireland.

SCHEDULES.

FIRST SCHEDULE.

PART I.

ENACTMENTS MADE PERMANENT.

1. Session and Chapter.	2. Title or Short Title.	3. How far made permanent.	4. Amending Acts
(1) 7 Edw. 7, c. 55.	The London Cab and Stage Carriage Act, 1907.	As to the abolition of the privileged cab system, section two.	—
(2) 9 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section five, except paragraph (a); section twelve; subsections (1), (2) and (3) of section thirteen; sections fourteen, twenty-one and twenty-two, except paragraph (3); subsection (1) of section twenty-four.	11 & 12 Geo. 5, c. 12.

PART II.

ENACTMENTS CONTINUED PERMANENTLY IN FORCE.

1. Session and Chapter.	2. Title or Short Title.	3. How far made permanent.	4. Amending Acts
(3) 34 & 35 Hen. 8, c. 20.	An Act to enbarreyned recoveries of Landes wherein the Kinges Majestye is in reversion.	The whole Act.	—
(4) 3 & 4 Will. 4, c. 74.	The Fines and Recoveries Act, 1833.	Section eighteen.	—
(5) 4 & 5 Geo. 5, c. 59.	The Bankruptcy Act, 1914.	Section one hundred and thirty.	—

SECOND SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts
(1) 46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55.
(2) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act —	2 & 3 Geo. 5, c. 10.
(3) 4 Edw. 7, c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	—
(4) 2 & 3 Geo. 5, c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act —	10 & 11 Geo. 5, c. 50.
(5) 4 & 5 Geo. 5, c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—
(6) 4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5. 13 & 14 Geo. 5, c. 8.
(7) 6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Sections six, seven, and nine; subsection (7) of section thirteen; paragraph (3) of section twenty-two.	11 & 12 Geo. 5, c. 12.
(8) 6 & 7 Geo. 5, c. 55.	The Local Government (Emergency Provisions) (No. 2) Act, 1916.	The whole Act —	11 & 12 Geo. 5, c. 12.
(9) 7 & 8 Geo. 5, c. 19.	The Coroners (Emergency Provisions) Act, 1917.	The whole Act —	12 & 13 Geo. 5, c. 2.
(10) 8 & 9 Geo. 5, c. 23.	The Juries Act, 1918.	Section seven —	12 & 13 Geo. 5, c. 2.
(11) 8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5, c. 14.
(12) 9 & 10 Geo. 5, c. 35.	The Housing, Town Planning, &c. Act, 1919.	Section twenty-five.	—
(13) 9 & 10 Geo. 5, c. 60.	The Housing, Town Planning, &c. (Scotland) Act, 1919.	Section twenty-two.	—
(14) 9 & 10 Geo. 5, c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	—
(15) 9 & 10 Geo. 5, c. 97.	The Land Settlement (Scotland) Act, 1919.	Sections one and two.	12 & 13 Geo. 5, c. 52.
(16) 10 & 11 Geo. 5, c. 21.	The Harbours Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act —	12 & 13 Geo. 5, c. 23.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(17) 10 & 11 Geo. 5, c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making, or revok- ing in whole or in part, of Parts I and III of the Sale of Food Order, 1921, and provides for the enforcement and imposes penalties for the breach thereof.	—
(18) 10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(19) 10 & 11 Geo. 5, c. 58.	The Shops (Early Closing) Act, 1920.	The whole Act - -	11 & 12 Geo. 5, c. 60.
(20) 11 & 12 Geo. 5, c. 66.	The National Health Insurance (Prolonga- tion of Insurance) Act, 1921.	The whole Act.	—
(21) 14 & 15 Geo. 5, c. 10.	The National Health Insurance (Cost of Medical Benefit) Act, 1924.	Section three.	—
(22) 14 & 15 Geo. 5, c. 38.	The National Health Insurance Act, 1924.	Section fifty-four.	—

PART II.

(23) 10 & 11 Geo. 5, c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	—
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PART III.

(24) 12 & 13 Geo. 5, c. 27.	The Canals (Con- tinuance of Charg- ing Powers) Act, 1922.	The whole Act - -	15 & 16 Geo. 5, c. 2.
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PART IV.

(25) 59 & 60 Vict. c. 16.	The Agricultural Rates Act, 1896.	The whole Act - - -	2 Edw. 7, c. 42. 7 Edw. 7, c. 13.
(26) 59 & 60 Vict. c. 37.	The Agricultural Rates Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.	The whole Act - -	60 & 61 Vict. c. 53. 7 Edw. 7, c. 13. 1 & 2 Geo. 5, c. 49.
(27) 13 & 14 Geo. 5, c. 39.	The Agricultural Rates Act, 1923.	The whole Act, except section fifteen.	15 Geo. 5, c. 10.

CHAPTER 77.

IRELAND (CONFIRMATION OF AGREEMENT) ACT, 1925.

An Act to confirm and give effect to a certain Agreement amending and supplementing the Articles of Agreement for a Treaty between Great Britain and Ireland to which the force of law was given by the Irish Free State (Agreement) Act, 1922, and by the Constitution of the Irish Free State (Saorstát Éireann) Act, 1922. [10th December, 1925.]

CHAPTER 78.

APPROPRIATION (No. 2) ACT, 1925.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and twenty-six, and to appropriate the further Supplies granted in this Session of Parliament. [22nd December, 1925.]

CHAPTER 79.

SAFEGUARDING OF INDUSTRIES (CUSTOMS DUTIES) ACT, 1925.

An Act to impose customs duties on certain goods with a view to the safeguarding of certain industries, and for purposes connected therewith. [22nd December, 1925.]

We, Your Majesty's most dutiful and loyal subjects, etc. —

1. *Customs duties on goods in Schedule.*—(1) During a period of five years from the commencement of this Act there shall be charged, levied, and paid on the importation into Great Britain or Northern

Ireland of the articles specified in the first column of the First Schedule to this Act the duties of customs respectively specified in the second column of that Schedule.

(2) Where any articles to be charged with duty under this section are such Empire products as are entitled to preferential rates under section eight of the Finance Act, 1919, they shall, instead of being charged with duty at the full rate specified in the First Schedule to this Act, be charged with duty at a preferential rate equal to two-thirds of the full duty, in all respects as if the said articles and the said preferential rate were included in the Second Schedule to the Finance Act, 1919.

(3) Where any article chargeable with duty under this Act is also chargeable with any other duties of customs, the highest duty only shall be charged.

(4) For the purposes of and in connection with the duties imposed by this Act, the enactments set out in the Second Schedule to this Act (which contain provisions relating to other duties of customs) shall have effect as if they were re-enacted in this Act and in terms made applicable to the duties imposed by this Act.

2. *Construction and short title.*—(1) This Act shall be construed together with the Customs (Consolidation) Act, 1876, and any enactments amending that Act.

(2) This Act may be cited as the Safeguarding of Industries (Customs Duties) Act, 1925.

SCHEDULES.

FIRST SCHEDULE.

Article.	Rate of duty.
<i>Cutlery.</i>	
Knives with one or more blades made wholly or partly of steel or iron, other than surgical knives or knives for use in machines - -	An amount equal to thirty-three and one-third per cent. of the value of the article.
Scissors, including tailors' shears and secateurs, made wholly or partly of steel or iron - -	
Safety razors and component parts thereof - -	
Razors, other than safety razors - -	
Carving forks - -	
Knife sharpeners wholly or partly of steel - -	An amount equal to thirty-three and one-third per cent. of the value of the article.
Handles, blades or blanks for any of the above-mentioned articles - -	
<i>Gloves.</i>	
Gloves made in whole or in part of leather or of fur, and leather or fur cut out ready for sewing into gloves, but not including gloves known as astrakhan gloves or gloves in which leather is used only as trimming or binding - -	An amount equal to thirty-three and one-third per cent. of the value of the article.
Gloves cut out of woven or knitted material consisting in whole or in part of cotton and sewn up and known as fabric gloves, and material for such gloves cut out ready for sewing - -	
<i>Mantles for Incandescent Lighting.</i>	
Mantles for incandescent lighting, whether collodionised or not - -	the gross - 6s. 0d.
Impregnated hose or stockings for use in the manufacture of such mantles - -	the lb. - 4s. 6d.

SECOND SCHEDULE.

ENACTMENTS APPLIED FOR PURPOSE OF DUTIES IMPOSED BY ACT.

S. 13 of the Safeguarding of Industries Act, 1921.

13. Subject to compliance with such conditions as to security for the re-exportation of the goods as the Commissioners may impose, this Act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of transhipment.

S. 13 (5) of Finance (No. 2) Act, 1915.

(5) The Treasury may by order exempt any articles mentioned in the order which are liable to any new import duty from that duty if they are satisfied that, having regard to the small value of the article, it is inexpedient that the duty should be charged.

S.s. (2) and (3) of s. 6 and ss. 10 and 11 of the Finance Act, 1925.

6.—(2) If any goods chargeable with duty under this section are proved to the satisfaction of the Commissioners to be goods brought back into Great Britain or Northern Ireland after having been exported therefrom for the purpose of undergoing any process out of Great Britain or Northern Ireland, the value of the goods for the purposes of this section shall be taken to be their value as ascertained in accordance with the provisions of this Part of this Act after deducting therefrom such amount as is proved to the satisfaction of the Commissioners to have been the value of the goods at the time of exportation, together with freight and insurance outwards.

(3) If it is proved to the satisfaction of the Commissioners that duty has been paid under this section in respect of any goods, and that the goods have not been used in Great Britain or Northern Ireland, a drawback equal to the amount of the duty so paid shall be allowed on the goods if exported as merchandise.

10.—(1) Where the rate of a duty of customs imposed by this Act on any article is a percentage of the value of the article, that value shall be taken to be the price which an importer would give for the article, if it were delivered, freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the Commissioners.

(2) Any dispute arising as to the proper rate of duty payable under this Act shall, so far as any question of value is concerned, be referred to a referee to be appointed by the Lord Chancellor, and the decision of the referee shall be final and conclusive:

Provided that the person to be appointed as a referee shall not be an official of any Government department.

Sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall, as respects any such dispute as to value, have effect as if an application for reference to a referee under this provision were substituted for the action or suit mentioned in those sections.

(3) The procedure on any such reference shall be such as may be determined by the referee.

11. Section six of the Customs and Inland Revenue Act, 1879, shall not apply to articles on which a duty of customs is charged by section three, section four or section six of this Act, and any such articles re-imported into Great Britain or Northern Ireland after exportation therefrom shall be exempt from duty if it is shown to the satisfaction of the Commissioners either that the article had not previously to exportation been imported into Great Britain or Northern Ireland at a time when a duty of customs was payable on articles of that class (whether under this Act or under the Finance (No. 2) Act, 1915), and had not previously to exportation been made in Great Britain or Northern Ireland at a time when an excise duty was payable on articles of that class, or, where duty was paid, that no drawback of duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer.

CHAPTER 80.

MINING INDUSTRY (WELFARE FUND) ACT, 1925.

An Act to extend the period during which payments are to be made to the fund constituted under section twenty of the Mining Industry Act, 1920, and to increase the number of the committee appointed thereunder.

[22nd December, 1925.]

Be it enacted, etc. :—

1. *Continuance of payments to welfare fund, and increase in number of committee.*—The period during which payments are to be made to the fund constituted under section twenty of the Mining Industry Act, 1920, shall be extended by five years, and the number of the committee constituted under that section shall be increased by two, of whom one shall be appointed by the Board of Trade after consultation with the Mining Association of Great Britain, and one shall be so appointed after consultation with the Miners Federation of Great Britain, and accordingly the aforesaid section shall have effect as if—

(a) in subsection (2) for "five years" there were substituted "ten years";

(b) in subsection (3) for "five persons" there were substituted "seven persons," for "of whom one" there were substituted "of whom two," and for "another" there were substituted "two."

2. *Short title and extent.*—(1) This Act may be cited as the Mining Industry (Welfare Fund) Act, 1925, and the Mining Industry Act, 1920, and this Act may be cited together as the Mining Industry Acts, 1920 and 1925.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 81.

CIRCUIT COURTS AND CRIMINAL PROCEDURE (SCOTLAND) ACT, 1925.

An Act to consolidate and regulate the law regarding the circuits of the High Court of Justiciary and the holding of circuit courts, and to amend the law relating to criminal procedure in Scotland in certain respects.

[22nd December, 1925.]

CHAPTER 82.

ROADS AND STREETS IN POLICE BURGHES (SCOTLAND) ACT, 1925.

An Act to provide for the redemption of annual sums payable in respect of transfers of highways in police burghs under the Roads and Streets in Police Burghs (Scotland) Act, 1891, and for other purposes connected therewith.

[22nd December, 1925.]

CHAPTER 83.

GOVERNMENT OF INDIA (CIVIL SERVICES) ACT, 1925.

An Act to amend the provisions of the Government of India Act by exempting proposals for expenditure upon certain salaries, pensions and other payments from submission to Indian legislatures, and

to enable rules made under the said Act relating to the Civil Services of the Crown in India to be dispensed with or relaxed in certain cases.

[22nd December, 1925.]

CHAPTER 84.

WORKMEN'S COMPENSATION ACT, 1925.

An Act to consolidate the law relating to compensation to workmen for injuries suffered in the course of their employment.

[22nd December, 1925.]

CHAPTER 85.

LAND SETTLEMENT (FACILITIES) AMENDMENT ACT, 1925.

An Act to amend the Land Settlement (Facilities) Act, 1919, by substituting other provisions for those contained in section twenty-seven of the said Act.

[22nd December, 1925.]

Be it enacted, etc. :—

1. *Provisions to be substituted for s. 27 of 9 & 10 Geo. 5, c. 59.*—The following provisions shall be substituted for section twenty-seven of the Land Settlement (Facilities) Act, 1919 (which provides for the recoupment of certain losses incurred by county councils in connection with the acquisition of land under the Small Holdings and Allotments Act, 1908) :—

"(1) For the purpose of this section there shall be ascertained—

"(a) the amount of the charges which will fall to be met in the half-year beginning on the appointed day and every subsequent half-year by any council in respect of expenditure properly incurred by them before the appointed day in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate (in this section referred to as "small holdings charges"); and

"(b) the net income which will accrue in the year beginning on the appointed day and in every subsequent year to the council from the council's small holdings estate.

"(2) The amount of a small holdings charge falling to be met in any half-year shall, for the purpose of this section, be taken to be—

"(a) in the case of a tithe redemption annuity or any perpetual or terminable rentcharge created on the acquisition of land, one-half of the amount payable in the year in respect thereof;

"(b) in the case of an annuity issued under section nine of this Act, one-half of the amount of the annuity, together with one-half of the amount which the council is directed to set apart in the year to form a sinking fund for the discharge of the annuity;

"(c) in the case of a mortgage repayable by payments of principal and interest combined, or by equal yearly or half-yearly instalments of principal together with interest on the balance of the principal sum for the time being outstanding, one-half of the aggregate of the amounts so payable in the year;

"(d) in the case of any other mortgage or charge, such amount as is agreed between the Minister and the council concerned to be payable in that half-year as interest thereon, together with one-half of the amount which the council is required to set apart in the year to form a sinking fund for the discharge of the principal sum.

"(3) For the purpose of ascertaining the net annual income of the council's small holdings estate for any year, the net annual income of land forming part of that estate shall be taken to be—

"(a) in the case of land other than leasehold land, the amount representing the estimated average yearly rent obtainable by the council for the land after deducting therefrom the estimated cost of repairs, insurance, expenses of management and other outgoings reasonably necessary to secure that rent, but without deducting any small holdings charges or income tax;

"(b) in the case of leasehold land, the difference between the estimated average yearly rent obtainable by the council for the land and the estimated annual expenditure of the council on account of rent and other necessary outgoings in connection with the land, including any amounts required to meet the estimated net liability of the council to the landlord or to the tenants of the council on the expiration of the current tenancy;

"Provided that—

"(i) if the amount of the estimated average yearly rent is less than the amount of the estimated annual expenditure, the deficiency shall be brought into account; and

"(ii) no rent shall be deemed to be obtainable by the Council in respect of the land after the expiration of the current tenancy of the council.

"(4) Where before the appointed day a council has properly incurred any expenditure in respect of the acquisition, adaptation or improvement of, or otherwise in relation to, their small holdings estate, but has not obtained a loan under the principal Act in respect of that expenditure, or where a council after the appointed day has incurred any such expenditure in respect of which the approval of the Minister was given before the appointed day, there shall be ascertained, on the basis of the foregoing provisions of this section, the amount representing the half-yearly charges which would have become,

payable by the council if the amount of the expenditure had been raised by loan, and the amount so ascertained shall, for the purpose of this section, be treated as if it were a small holdings charge.

"(5) The Minister shall, on such date as may be agreed between him and the council, pay to every council in respect of each half-year a sum equal to the amount, if any, by which the aggregate amount of the small holdings charges payable by the council during that half-year exceeds one-half of the net annual income of the council's small holdings estate for the year ascertained as aforesaid:

"Provided that, as regards the payments to be made in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-seven, and in respect of each of the two next following years, the date to be agreed as aforesaid shall be a date not earlier than the first day of the financial year following the year in respect of which the payment is to be made.

"Any sum paid to a council under this subsection may be applied by the council in defraying any expenditure in connection with the council's small holdings estate.

"(6) There shall also be ascertained the amount of the loss which a council will necessarily or without any unreasonable default on its part incur in respect of—

"(a) any advance made or guaranteed before the appointed day by the council under section eighteen of this Act; and

"(b) any arrears of rent due or accruing to the council on the appointed day from any person who is or was a tenant of land acquired by the council under the principal Act and of any other liabilities of such a tenant to the council remaining undischarged on the appointed day,

and the aggregate of the amounts so ascertained shall be paid to the council by the Minister in four equal annual instalments, the first of which shall be made on the appointed day or as soon thereafter as the loss is ascertained, and the remainder of which shall be made on each succeeding first day of April.

"(7) If any question arises between the Minister and a council with respect to any matter to be ascertained under this section, that question shall be determined by arbitration in accordance with the provisions of the Second Schedule to the Agricultural Holdings Act, 1923, except that—

"(a) in default of agreement, the arbitrator shall be appointed by the Reference Committee for England and Wales constituted under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919, and may be a person who is not a member of the panel formed under the said Schedule Second, and for the purposes of this provision the Reference Committee shall be deemed to include the President of the Institute of Chartered Accountants in England and Wales as well as the persons mentioned in the said section one; and

"(b) the Minister and the council shall each bear their own costs and pay the costs of the award in equal shares.

"(8) For the purposes of this section unless the context otherwise requires—

"The council's small holdings estate' means the land acquired by a council under the principal Act and vested in them on the appointed day, other than any land acquired by them when acting in default of a district or parish council or any small holdings of less than one acre;

"Rent' means, in the case of land capable of being let for the purposes of small holdings or allotments, the amount which would be obtainable as rent if the land were let for those purposes;

"Council' means the council of a county;

"Year' means the year beginning on the first day of April, and 'half-year' means the period beginning on the first day of April or the first day of October in any year;

"Current' in relation to a tenancy means current until the first day after the appointed day on which the tenancy might be terminated by the landlord and no longer;

"The appointed day' means the first day of April, nineteen hundred and twenty-six;

"Expenditure shall not be treated as having been properly incurred if, being expenditure for which the approval of the Minister was by law required, such approval was not given.

"(9) The provisions of this section shall apply to the council of a county borough in respect of land acquired by the council for the purposes of small holdings in like manner as it applies to the council of a county.

"(10) Amounts required to be ascertained for the purposes of this section may be so ascertained before the appointed day, and if not so ascertained shall be so ascertained as soon as possible thereafter.

"(11) When any amount has once been ascertained in accordance with the provisions of this section, it shall not thereafter be subject to revision or variation."

2. Short title.—This Act may be cited as the Land Settlement Facilities) Amendment Act, 1925.

CHAPTER 86.

CRIMINAL JUSTICE ACT, 1925.

An Act to amend the law with respect to the administration of criminal justice in England, and otherwise to amend the criminal law.

[22nd December, 1925.]

CHAPTER 87.

TITHE ACT, 1925.

An Act to amend the law relating to Tithe rentcharge and other rent-charges, rents and payments in lieu of Tithe, and the payment of rates thereon; and for other matters connected therewith.

[22nd December, 1925.]

To be enacted, etc.:—

PART I.

STABILISATION AND SYNCHRONISATION OF DATES OF PAYMENT OF TITHE RENTCHARGE.

1. Stabilisation of tithe rentcharge.—(1) The sums becoming payable on or after the appointed day in respect of a tithe rentcharge in lieu of being computed in manner prescribed by the Tithe Acts shall be computed on the basis of one hundred and five pounds for every one hundred pounds of tithe rentcharge.

(2) The half-yearly payments on account of a pension under the Incumbents Resignation Acts, 1871 and 1887, awarded on or after the appointed day, shall not be liable to variation, and as respects any such pension awarded before the appointed day, which under section four of the Incumbents Resignation Act, 1871, Amendment Act, 1887, is variable, any half-yearly payment on account thereof becoming payable on or after the appointed day shall be regulated by the value of tithe rentcharge as fixed by this section, and shall not be liable to variation.

2. Synchronising of dates of payment of tithe rentcharge.—(1) Where the dates on which tithe rentcharge is payable are dates other than the first day of April and the first day of October, the dates for payment shall be changed to the first day of April and the first day of October (which dates are hereinafter in this section referred to as the normal half-yearly dates).

(2) For the purpose of effecting such change as aforesaid, nothing in this section shall affect the liability to make the payment in respect of tithe rentcharge on the half-yearly date occurring next after the passing of this Act on which a payment would, apart from this section, have become payable; but on the normal half-yearly date which occurs next after the first-mentioned half-yearly date, a payment in respect of the tithe rentcharge proportionate to the time which has elapsed between the first-mentioned half-yearly date and that normal half-yearly date shall become payable, and thereafter payments shall become due on the normal half-yearly dates.

(3) This section shall apply to rentcharges payable under the Extraordinary Tithe Redemption Act, 1886, in like manner as it applies to tithe rentcharge.

(4) This section shall come into operation on the passing of this Act.

PART II.

ECCLIASTICAL TITHE RENTCHARGE.

3. Transfer to Queen Anne's Bounty of tithe rentcharge attached to benefices.—(1) Any tithe rentcharge which immediately before the appointed day is attached to a benefice shall on that day be transferred to, and by virtue of this Act become vested in, Queen Anne's Bounty for all the interest therein so attached, subject to any charge or liability affecting that interest, but without prejudice to the powers of the person in whom the tithe rentcharge was vested to recover and enforce the recovery of any arrears payable before the appointed day.

(2) Any tithe rentcharge so vested in Queen Anne's Bounty shall while so vested be held in trust for the incumbent of the benefice to which it was previously attached, or other the person for the time being entitled to receive the emoluments of the benefice.

4. Provisions for extinguishment of tithe rentcharge at expiration of 85 years.—(1) For the purpose of the redemption before the expiration of a period of eighty-five years from the appointed day of the tithe rentcharge so vested in Queen Anne's Bounty there shall be payable to Queen Anne's Bounty by way of sinking fund payment in respect of every one hundred pounds of tithe rentcharge so vested the annual sum of four pounds and ten shillings, and such annual sum as aforesaid shall continue payable until the half-yearly date of payment which precedes the expiration of the said period of eighty-five years.

(2) The annual sum so payable shall for all purposes (including those of section eight of the Tithe Act, 1891) be treated as an addition to and as part of the sums payable in respect of the tithe rentcharge in respect of which it is payable, and all the enactments relating to tithe rentcharge shall apply thereto accordingly:

Provided that such additional sum as aforesaid shall not, for the purposes of the enactments relating to income tax, land tax, or rating, be treated as part of the sums payable in respect of the tithe rentcharge, but shall for those purposes be treated as an instalment of a capital payment.

(3) Where a part of the sum claimed in respect of tithe rentcharge is remitted under section eight of the Tithe Act, 1891, a proportionate part of the amount remitted shall be treated as attributable to the sum payable by way of sinking fund payment and that sum shall be reduced accordingly.

(4) As from the day following the half-yearly date for payment of tithe rentcharge which precedes the expiration of the said period of eighty-five years the land out of which any tithe rentcharge so vested in Queen Anne's Bounty issues shall be absolutely discharged and freed therefrom except so far as there may be then due any arrears in respect thereof.

(5) Nothing in this section shall prevent the redemption or merger of any such tithe rentcharge before the expiration of the said period of eighty-five years.

5. Application of sums received by Queen Anne's Bounty.]—(1) Out of the annual sums received in respect of every one hundred pounds of tithe rentcharge so vested in them, Queen Anne's Bounty shall in each year, subject to the provisions hereinafter contained,—

(a) carry four pounds and ten shillings subject to any deduction on account of remission of tithe rentcharge to the sinking fund; and
(b) pay the sum of five pounds to the Commissioners of Inland Revenue to be applied by them towards the payment of the sums hereinafter directed to be paid by them on account of rates;

and after deducting the amount of any land tax or other charge to which the tithe rentcharge may be subject, and the sums due on account of the cost of collection, and other outgoings properly attributable to the tithe rentcharge, shall pay the balance to the incumbent of the benefice on account of which the tithe rentcharge is held or other the person for the time being entitled to receive the emoluments of the benefice:

Provided that—

(i) where any such tithe rentcharge is a tithe rentcharge created in lieu of any corn rent or like payment which was free from rates, or a tithe rentcharge which is otherwise free from rates under any local Act, no such payment to the Commissioners of Inland Revenue as aforesaid shall be made in respect thereof; and

(ii) the incumbent of any benefice who was immediately before the expiration of the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, by virtue of that Act entitled to total exemption from the payment of rates on the tithe rentcharge attached to the benefice may, by notice in writing given to Queen Anne's Bounty before the expiration of three months from the appointed day, require payments into the sinking fund on account of that tithe rentcharge to be postponed; and where such a notice is given, then, for a period of five years after the appointed day, or until a vacancy occurs in the incumbency, whichever is the shorter period, no payments in respect of that tithe rentcharge shall be carried to the sinking fund; and after that period payments into the sinking fund in respect thereof shall be increased to such amount as may be prescribed by regulations made by Queen Anne's Bounty so framed as to provide that the accumulations in the sinking fund at the expiration of the accumulation period hereinafter mentioned shall be equal to the amount which would have been accumulated if there had been no such postponement.

(2) A certificate from a rating authority that an incumbent has obtained total exemption from rates under the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, shall, for the purposes of the last preceding proviso, be sufficient evidence that the incumbent was entitled to such an exemption.

6. Accumulation and application of sinking fund.]—(1) The sums carried to the sinking fund under this Part of this Act in respect of any tithe rentcharge shall be accumulated by Queen Anne's Bounty during the accumulation period, or until the redemption or merger of the tithe rentcharge if it is redeemed or merged before the expiration of that period, by the investment in authorised securities of such sums and of the income received or accrued during the accumulation period in respect of such investments.

(2) After the expiration of the accumulation period, Queen Anne's Bounty shall hold the sums accumulated in respect of any tithe rentcharge in trust to invest the same in authorised securities and, subject to any charge thereon, to pay the income thereof to the incumbent of the benefice on account of which the tithe rentcharge in respect of which the accumulations were made was held, or other the person for the time being entitled to receive the emoluments of the benefice:

Provided that, if before the expiration of the accumulation period the tithe rentcharge is redeemed or merged Queen Anne's Bounty shall hold the sums accumulated in the sinking fund in respect of the tithe rentcharge at the date of the redemption or merger and the sum received for the redemption or merger thereof on the trusts aforesaid.

(3) For the purposes of this Act the expression "accumulation period" means the period commencing on the appointed day and expiring immediately after the last half-yearly date for the payment of tithe rentcharge which precedes the expiration of eighty-five years from the appointed day.

7. Provisions as to rating.]—(1) The amount of any rate made on or after the appointed day which is assessed on the owner of any tithe rentcharge which is vested in Queen Anne's Bounty under this Part of

this Act shall not be payable by such owner, but shall, on demand being made by the collector of the rate on the surveyor of taxes for the district, be paid by the Commissioners of Inland Revenue.

(2) There shall in each year be charged on and paid out of the Consolidated Fund or the growing produce thereof to the Commissioners of Inland Revenue such sum as the Treasury may certify to be payable by those Commissioners under this section, after deducting therefrom the amounts payable to them under this Act by Queen Anne's Bounty on account of rates.

(3) There shall be deducted from the moneys payable to the Local Taxation Account in each year the same amount as would, under the Tithe Rentcharge (Rates) Act, 1899, or under that Act as modified by any local Act or Provisional Order, have been paid by the Commissioners of Inland Revenue, and would have been deducted from such moneys as aforesaid, if the tithe rentcharges previously attached to benefices, which by this Part of this Act are vested in Queen Anne's Bounty, had not been so vested.

(4) Payments to the Commissioners of Inland Revenue under this section shall be made at such times and in such manner as the Treasury may direct.

(5) The surveyor of taxes for the district shall as respects any tithe rent charge the rates on which are so demandable from him as aforesaid have the like right of making objection to, and appealing against, a valuation of the tithe rentcharge and any rate assessed thereon, and of making proposals for the amendment of a valuation list, and of receiving notices and copies of notices required by the enactments relating to rating to be served on the owner of the tithe rentcharge, as if he were the owner thereof.

(6) For the purposes of this section, "rate" means a rate the proceeds of which are applicable to local purposes of a public nature and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

8. Provisions as to income tax and land tax.]—(1) The vesting in Queen Anne's Bounty by virtue of this Part of this Act of any tithe rentcharge shall not, nor shall the postponement under this Act of any payments into the sinking fund or any consequential increase of such payments, affect the amount on which the incumbent of the benefice on account of which the tithe rentcharge is held or other the person for the time being entitled to receive the emoluments of the benefice is liable to pay income tax in respect of tithe rentcharge, but the amount of income tax payable in respect of the tithe rentcharge shall be paid by Queen Anne's Bounty and by them deducted from the sum payable to the incumbent, and the deducting of such amount shall be deemed to be a payment by the incumbent of the tax payable in respect of the sums paid to him by Queen Anne's Bounty under section five of this Act.

(2) Where any tithe rentcharge, which by this Part of this Act is vested in Queen Anne's Bounty is subject to land tax, such vesting shall not affect the right of the incumbent of the benefice to which it was attached to claim exemption or abatement from such land tax.

9. Redemption of tithe rentcharge vested in Queen Anne's Bounty.]—(1) The compensation for redemption of tithe rentcharge by this Part of this Act vested in Queen Anne's Bounty shall be such sum as in the opinion of the Minister will, when invested in Government securities and added to the amount certified by Queen Anne's Bounty to be the sum accumulated in the sinking fund in respect of the rentcharge, or to be the sum which would have been so accumulated if the accumulation had not been postponed, be sufficient to produce an annual sum equal to the value of the tithe rentcharge as fixed by this Act after deducting therefrom the amount (if any) payable in respect thereof to the Commissioners of Inland Revenue and any land tax charged on the tithe rentcharge and a sum on account of costs of collection equal to two and a half per cent. of such value as aforesaid.

(2) This section shall not apply where the application for redemption was made before the appointed day.

10. Powers of management of Queen Anne's Bounty.]—(1) Queen Anne's Bounty shall, in relation to tithe rentcharge vested in them under this Part of this Act, have, for the purposes of collection, redemption, merger, apportionment and otherwise, such powers as they would have had had they been absolute beneficial owners thereof, and shall also in relation thereto have such additional powers as are specified in the First Schedule to this Act;

Provided that where—

(a) For three months or more immediately before the passing of this Act the tithe rentcharge attached to a benefice has been collected by the incumbent thereof without the employment of any paid agent; and

(b) the incumbent by notice in writing given to Queen Anne's Bounty within six months after the passing of this Act agrees to collect at his own expense and without remuneration the sums payable in respect of the tithe rentcharge attached to the benefice, and to comply with such conditions as Queen Anne's Bounty may impose in relation to the collection and for securing the proper application of the money collected;

he shall be appointed to act as agent of Queen Anne's Bounty for the purpose of continuing such collection after the tithe rentcharge becomes vested in Queen Anne's Bounty, and he shall continue to act as such so long as he holds the incumbency and complies with the said conditions, unless and until the agency is determined by notice in writing given by the incumbent to Queen Anne's Bounty, or is determined by Queen Anne's Bounty for any reason which, in the special circumstances of the case, renders it in their opinion desirable that the agency should be so determined.

(2) For the purpose of the collection of tithe rentcharge vested in them by this Act, Queen Anne's Bounty shall divide the country into such number of areas (not exceeding twenty) as they think fit, and those areas, subject to such alterations as Queen Anne's Bounty may from time to time think fit to make, shall be the collection areas for the purposes of this Act.

Queen Anne's Bounty shall constitute a committee for each collection area. Every such committee shall contain representatives of the incumbents within the collection area on account of which tithe rentcharge is held, and, subject to any general or special directions which may from time to time be given by Queen Anne's Bounty, there shall be delegated to the committee all the powers of Queen Anne's Bounty in relation to the collection of tithe rentcharge and such of their powers of management in relation thereto as Queen Anne's Bounty think fit.

(3) Where tithe rentcharge previously attached to a benefice issues from glebe belonging to that benefice, Queen Anne's Bounty shall have power, with the assent of the incumbent, to merge the same in the glebe as if the tithe rentcharge and the glebe both belonged to Queen Anne's Bounty absolutely.

(4) Queen Anne's Bounty may apply any money in their hands, whether under this Part of this Act or otherwise, and available for investment, in the redemption or discharge of any land tax or other charge to which any tithe rentcharge vested in them under this Part of this Act may be subject, and the moneys so applied, together with interest thereon at such rate not exceeding five per cent. per annum as Queen Anne's Bounty may determine, shall be recoverable out of the tithe rentcharge and any funds for the time being representing the same.

(5) Queen Anne's Bounty shall not be bound to take any legal proceedings for the recovery of any payments which they have not received if, in their discretion, they consider it undesirable to do so.

11. Scheme for apportionment of costs of collection, &c.]—(1) Queen Anne's Bounty shall frame a scheme, to come into operation not later than the first day of April, nineteen hundred and thirty, providing as respects each collection area for the apportionment amongst the various beneficiaries in that area on account of which tithe rentcharge vested in them under this Part of this Act is held, in proportion to the amount of the tithe rentcharge held on account of each such benefice, of the aggregate amounts of—

- (a) the cost of collection of tithe rentcharge so vested in them;
 - (b) any arrears of tithe rentcharge so vested in them;
- and any such scheme may be varied by a subsequent scheme:

Provided that the scheme may provide for exempting (in whole or in part) from liability to contribute to such costs of collection beneficiaries the total incomes arising from which are shown to the satisfaction of Queen Anne's Bounty to be less than three hundred pounds per annum, and shall provide for exempting from liability to contribute to such cost of collection any benefice where as agent of Queen Anne's Bounty the incumbent thereof collects the sums payable in respect of the tithe rentcharge held on account of the benefice.

(2) In ascertaining the amount of tithe rentcharge held on account of a benefice, and the amount of arrears thereof, no account shall be taken, if the scheme so provides, of any tithe rentcharge which had not been paid for such period before the appointed day as may be prescribed by the scheme.

(3) The scheme shall not, nor shall the operation thereof, affect the amount on which the incumbent of any benefice is liable to pay income tax or the provisions of this Part of this Act with respect thereto.

12. Application to tithe rentcharge vested in Queen Anne's Bounty for an interest less than a fee simple.]—Where by virtue of this Part of this Act any tithe rentcharge becomes vested in Queen Anne's Bounty for an interest less than a fee simple in possession, the provisions of this Part of this Act—

- (a) providing for the extinguishment of tithe rentcharge at the expiration of the accumulation period;
 - (b) requiring sinking fund payments to be made in respect of tithe rentcharge and sums to be carried to the sinking fund;
 - (c) as to the compensation for redemption of tithe rentcharge;
- shall not apply to such tithe rentcharge.

13. Application to tithe rentcharge attached to ecclesiastical corporations.]—The foregoing provisions of this Part of this Act shall apply to tithe rentcharge which immediately before the appointed day is attached to an ecclesiastical corporation with the following modifications and exceptions—

- (1) the sum of sixteen pounds shall be substituted for the sum of five pounds as the amount payable by Queen Anne's Bounty to the Commissioners of Inland Revenue;
- (2) eighty-one and half years shall be substituted for eighty-five years for determining the period during which the tithe rentcharge

is to continue payable and the payments into the sinking fund are to be accumulated;

(3) References to the ecclesiastical corporation shall be substituted for references to the incumbent of the benefice; and

(4) the provisions as to the scheme to be framed by Queen Anne's Bounty shall not apply.

14. Application to extraordinary tithe rentcharge, corn rents, &c.]—

(1) The provisions of this Part of this Act relating to the transfer to and vesting in Queen Anne's Bounty of tithe rentcharge and to the powers of management of Queen Anne's Bounty over the rentcharge but none of the other foregoing provisions of this Part of this Act shall apply to the following rentcharges, rents, tithes and other payments attached to a benefice or ecclesiastical corporation in like manner as to tithe rentcharge so attached, that is to say—

(a) any rentcharge under the Extraordinary Tithe Redemption Act, 1886;

(b) any corn rent rentcharge or money payment payable under any local or personal Act or award in lieu of tithe;

(c) any rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture;

(d) any sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common;

(e) any tithes and other payments in lieu of tithes not being tithe rentcharge;

Provided that this section shall not apply to any rentcharge, tithes or payments in lieu of tithes which arise within the City of London or any ecclesiastical parish situate partly within and partly without the City of London, or which under any Act or award are directed to be collected for the benefit of a benefice by churchwardens or any other body or person and not by the incumbent of the benefice.

(2) Where by virtue of this section any payment in lieu of tithe is vested in Queen Anne's Bounty, such vesting shall not affect the application to the payment in lieu of tithe or to any tithe rentcharge into which such a payment may be converted under the Tithe Acts of the provisions of the Tithe Rentcharge (Rates) Act, 1899, or of that Act as modified by any local Act or Provisional Order.

(3) For the purposes of this section, the powers of management of Queen Anne's Bounty shall be deemed to include, in addition to the powers conferred by section ten, the power of making deductions on account of cost of collection and other outgoings, and, subject to the necessary modifications, the powers conferred by the First Schedule to this Act.

15. Section 36 of the Finance Act, 1924, to apply to receipts.]—Receipts for any tithe rentcharge or other payments previously attached to a benefice which are vested in Queen Anne's Bounty by virtue of this Act shall, notwithstanding such vesting, be deemed to be receipts to which the exemption in section thirty-six of the Finance Act, 1924, applies.

16. Saving clause.]—(1) Nothing in this Part of this Act shall affect any power of apportionment between benefices, or transferring from one benefice to another benefice or to a united benefice, any tithe rentcharge, tithes or payments in lieu of tithes, or other rentcharge or payment vested in Queen Anne's Bounty under this Part of this Act.

(2) The vesting in Queen Anne's Bounty of any tithe rentcharge, tithe, or payment in lieu of tithe, or other rentcharge or payment, shall not affect the right to recover any sums in respect thereof which would have been recoverable had no such vesting been effected.

PART III.

LAY TITHE RENTCHARGE.

17. Provisions as to the redemption of lay tithe rentcharge.]—(1) This Part of this Act applies to tithe rentcharge which is not tithe rentcharge for the redemption whereof provision is made by Part II. of this Act; and such tithe rentcharge is in this Part of this Act referred to as lay tithe rentcharge.

(2) Where after the twenty-second day of May, nineteen hundred and twenty-five, an application for the redemption of any lay tithe rentcharge on any land is made by the owner of the land, then if the land charged with the tithe rentcharge, except so far as it consists of buildings in the same occupation, is agricultural land for the purposes of the Agricultural Rates Act, 1896, the Minister in ascertaining the compensation for the redemption of the tithe rentcharge in accordance with the provisions of the First Schedule to the Tithe Act, 1918, shall not in respect of rates deduct from the gross annual value a sum in excess of two-thirds of the average amount which became payable by the owner of the tithe rentcharge or any other person on account of any rate to which the Agricultural Rates Act, 1896, applies.

(3) This Part of this Act shall come into operation on the passing thereof.

PART IV.

MISCELLANEOUS.

18. Amendment of provisions as to altered apportionments.]—(1) Notwithstanding the provisions of section fourteen of the Tithe Act, 1842, on the alteration of an apportionment a tithe rentcharge of less than five shillings may be charged on any land if the owner of the rentcharge the subject of the apportionment consents, or if the owner of the

land on which the rentcharge of less than five shillings is apportioned has applied to the Minister for an order directing that it shall be redeemed on the alteration of the apportionment, and an order has been made accordingly.

(2) Notwithstanding the provisions of section eleven of the Tithe Act, 1860, the consent of the owner or owners of the lands charged with tithe rentcharge shall not be required for the re-apportionment and redistribution of rentcharges over and amongst the lands charged therewith provided that the rentcharges are payable to the same person.

(3) The powers of apportionment of rentcharges in lieu of corn rents conferred by section seventeen of the Tithe Act, 1860, shall extend to the apportionment of all corn rents to which the said Act applies.

19. Amendment of ss. 1 and 5 of Tithe Act, 1878.—(1) Where application for redemption of a tithe rentcharge is not made by the persons directed to make such application under section one of the Tithe Act, 1878, the Minister may order such redemption on the application of the owner of the tithe rentcharge.

(2) Section five of the Tithe Act, 1878, which authorises redemption of tithe rentcharge on lands which have been divided into numerous plots, shall extend also to any case where the Minister is satisfied that land is about to be so divided.

20. Amendment of provisions of 8 & 9 Geo. 5, c. 54, as to redemption of tithe rentcharge.—(1) Subsection (2) of section four of the Tithe Act, 1918, shall have effect as if sixty years were substituted for fifty years as the maximum period of the duration of an annuity in discharge of the consideration money for the redemption of tithe rentcharge, and as if for the words "after payment of the first instalment of the annuity" there were substituted the words "as from the date on which the annuity commences."

(2) Where any such annuity is vested in Queen Anne's Bounty, then, for the purposes of subsection (3) of section one hundred and ninety-one of the Law of Property Act, 1925, Queen Anne's Bounty shall be deemed to be empowered to give an absolute discharge for the capital value of the annuity.

(3) In ascertaining the compensation for the redemption of tithe rentcharge under paragraph 2 of the First Schedule to the Tithe Act, 1918, the deduction on account of rates and land tax shall be the average amount which became payable by the tithe owner in respect thereof during the three years immediately preceding the date of the application.

(4) Where under the Tithe Act, 1918, the consideration money for the redemption of tithe rentcharge is by agreement to be discharged by an annuity, the provisions of paragraph 2 of the First Schedule to that Act, providing that in the ascertainment of the compensation for redemption a deduction is to be made on account of the cost of collection of the tithe rentcharge, shall not apply.

21. Duty of Overseers, &c., to furnish information.—For the purpose of enabling the Minister to ascertain the deduction in respect of rates to be made in the ascertainment of compensation for redemption of tithe rentcharge, the overseers or other person or body by whom a rate has been made shall, on being requested so to do, supply to the Minister any information which is in his or their possession as to the amount paid or payable on account of the rate in respect of any tithe rentcharge arising out of land in the area to which the rate applies.

22. Extension of powers of improvement companies.—Where any company is authorised by an Act of Parliament to advance money for the redemption of tithe rentcharges or corn rents upon the security of a charge limited to a period of less than sixty years, the provisions of the Act shall have effect in relation to a charge for such a purpose as if a period of sixty years were thereby authorised.

23. Commencement of Part IV.—This Part of this Act shall come into operation at the expiration of two months after the passing thereof.

PART V. GENERAL.

24. Definitions.—(1) In this Act, except where the context otherwise requires,—

The expression "Minister" means the Minister of Agriculture and Fisheries;

The expression "tithe rentcharge" means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a rentcharge into which before the appointed day, a corn rent has been converted under those Acts and which is subject to the like incidents as such tithe rentcharge as aforesaid; but does not include a rentcharge payable under the Extraordinary Tithe Redemption Act, 1886, nor a rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common;

The expression "Tithe Acts" does not include the Extraordinary Tithe Redemption Act, 1886, but otherwise means the Tithe Acts, 1836 to 1918;

The expression "benefice" has the same meaning as in the Tithe Redemption (Rates) Act, 1890;

The expression "ecclesiastical corporation" has the same meaning as in the Episcopal and Capitular Estates Act, 1851;

The expression "authorised securities" means securities in which Queen Anne's Bounty are for the time being authorised to invest their corporate funds;

The expression "costs of collection" includes all costs and expenses incurred by a committee constituted for a collection area in the exercise of any of the powers (whether of collection or management) and of the performance of any of the duties delegated to the committee;

The expression "total income" in relation to a benefice means the total income arising from the benefice estimated in accordance with the provisions of the Income Tax Acts for the preceding income tax year, but so that where the incumbent of a benefice holds more than one benefice (whether united for ecclesiastical purposes or not so united) it shall mean the sum of the total incomes, estimated as aforesaid, arising from the several benefices.

(2) References to one hundred pounds of tithe rentcharge means tithe rentcharge of the original commuted amount of one hundred pounds, and, where any sum of money is by this Act made payable in respect of one hundred pounds of tithe rentcharge, proportionately greater or lesser sums shall be payable when the original commuted value of the tithe rentcharge is more or less than one hundred pounds.

(3) In calculating for the purposes of this Act the amount of any tithe rentcharge or any payment in respect of any tithe rentcharge, fractions of a penny less than a halfpenny shall be disregarded, and fractions of a penny amounting to a halfpenny or more shall be treated as a whole penny.

25. Temporary extension of the duration of 8 & 9 Geo. 5, c. 54, s. 1, and 10 & 11 Geo. 5, c. 22.—Subsection (1) of section one of the Tithe Act, 1918, and the Ecclesiastical Tithe Rentcharge (Rates) Acts, 1920 and 1922, shall continue in force until the appointed day, and shall have effect as if in subsection (1) of section one of the Tithe Act, 1918, and in subsection (1) of section one of the Ecclesiastical Tithe Rentcharge (Rates) Act, 1920, for the reference to the first day of January, nineteen hundred and twenty-six, there were substituted a reference to the appointed day.

26. Short title, construction, extent, commencement and repeals.—(1) This Act may be cited as the Tithe Act, 1925, and shall be construed with the Tithe Acts, 1836 to 1918, and those Acts and this Act may be cited together as the Tithe Acts, 1836 to 1925.

(2) This Act shall extend to England and Wales only.

(3) Except where otherwise expressly provided, this Act shall come into operation on the appointed day, and the appointed day shall be such date or dates not earlier than the sixth day of April, nineteen hundred and twenty-six, and not later than the first day of April, nineteen hundred and twenty-seven, as His Majesty may fix by Order in Council, and different days may be fixed for different provisions and different purposes of the Act.

(4) The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

This subsection, so far as it effects the repeal of subsection (2) of section one of the Tithe Act, 1918, shall come into operation on the passing of this Act.

SCHEDULES.

FIRST SCHEDULE.

POWERS OF QUEEN ANNE'S BOUNTY.

1. Power to appoint agents and to devolve upon bodies or committees appointed by Queen Anne's Bounty, or constituted in such manner as they may from time to time approve, all or any of the rights, powers and duties conferred or imposed on Queen Anne's Bounty by this Act, or by virtue of the vesting of property in them under this Act, in relation to the collection and management of any such property, with full authority to such bodies or committees, subject to any general or special directions which may from time to time be given by Queen Anne's Bounty, to do and execute any act within the powers of Queen Anne's Bounty in relation to the matters devolved upon such bodies and committees as aforesaid, including powers to take proceedings on account of and in the name of Queen Anne's Bounty;

Provided that the duty of holding and dealing with sinking fund payments and moneys paid for redemption shall not be so devolved.

2. Power to provide on such terms as they think fit for the extinction of any tithe rentcharge vested in them by merger of the tithe rentcharge in the freehold of the land out of which it issues in manner provided by the Tithe Acts.

3. Power to require the transfer to Queen Anne's Bounty by an incumbent of a benefice of any documents in his possession or under his control relating to tithe rentcharge attached to the benefice, and the transfer of copies of confirmed instruments of apportionment and of any other instruments deposited in pursuance of the Tithe Acts, 1836 to 1918, in the registry of any diocese, but so that Queen Anne's Bounty shall be subject to the same obligation, on such transfer being made, to supply copies thereof to such persons and on such terms as the registrar of the diocese from whom the same were transferred was subject.

4. Power to make regulations with respect to—

(a) the investment of moneys in the sinking fund and moneys paid to Queen Anne's Bounty for redemption, and the ascertainment of the share therein of the several benefices and corporations interested;

(b) the ascertainment, pending the preparation of the scheme to be prepared under this Act, of the sums to be deducted under this Act on account of costs of collection, properly attributable to the several benefices and corporations, and the apportionment of such costs between the several benefices, but so that Queen Anne's Bounty may, if they think fit, exempt (in whole or in part) from liability to contribute to such costs benefices the total incomes arising from which are shown to the satisfaction of Queen Anne's Bounty to be less than three hundred pounds, and so that the regulations shall provide for the exemption from the liability to contribute to the cost of collection any benefice where as agent for Queen Anne's Bounty the incumbent thereof collects the sums payable in respect of the tithe rentcharge held on account of the benefice;

(c) the periodical disbursement to the persons entitled thereto of the sums received by Queen Anne's Bounty in respect of property vested in them under this Act.

5. Power to apply towards the cost of collection under this Act any interest arising from money other than money required to be invested which may from time to time be in the hands of Queen Anne's Bounty under this Act.

6. Power to pay out of their corporate funds the expenses of administration under this Act, and to make advances out of such funds to meet such expenses of collection as in the opinion of Queen Anne's Bounty ought to be spread over a term of years, subject in the case of such advances to recoupment with interest thereon at such rate not exceeding five per cent. per annum, and in such manner and within such time as Queen Anne's Bounty may determine.

SECOND SCHEDULE. ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 23.	The Incumbents Resignation Act, 1871, Amendment Act, 1887.	Section four.
8 & 9 Geo. 5, c. 54.	The Tithe Act, 1918.	Sections one and two; subsection (2) of section four from the words "and in default of such agreement" to the words "if they think fit determine." In the First Schedule, paragraphs 1 and 3.
10 & 11 Geo. 5, c. 22	The Ecclesiastical Tithe Rentcharge (Rates) Act, 1920.	The whole Act.
12 & 13 Geo. 5, c. 58.	The Ecclesiastical Tithe Rentcharge (Rates) Act, 1922.	The whole Act.

CHAPTER 88.

COASTGUARD ACT, 1925.

An Act to amend the law with respect to the Coastguard, and for purposes connected therewith. [22nd December, 1925.]

CHAPTER 89.

EDUCATION (SCOTLAND) ACT, 1925.

An Act to amend the Education (Scotland) Act, 1908, and the Education (Scotland) Act, 1918. [22nd December, 1925.]

CHAPTER 90.

RATING AND VALUATION ACT, 1925.

An Act to simplify and amend the law with respect to the making and collection of rates by the consolidation of rates and otherwise, to promote uniformity in the valuation of property for the purpose of rates, to amend the law with respect to the valuation of machinery and certain other classes of properties, and for other purposes incidental to or connected with the matters aforesaid. [22nd December, 1925.]

CHAPTER 91.

MINES (WORKING FACILITIES AND SUPPORT) ACT, 1925.

An Act to amend Part I of the Mines (Working Facilities and Support) Act, 1923, with respect to the payment of money into Court. [22nd December, 1925.]

Be it enacted, etc. :-

1. Amendment of Part I of 13 & 14 Geo. 5, c. 20, as to the payment of money into Court.-(1) Where under Part I of the Mines (Working Facilities and Support) Act, 1923 (hereinafter referred to as the principal Act), the Railway and Canal Commission have determined that a right should be granted subject to the payment of compensation or consideration, the Commission may in any case where they think fit—

(a) where the amount of the compensation or consideration has been determined by them, order the payment into Court of the whole or any part thereof;

(b) pending the determination of the amount of the compensation or consideration, order the payment into Court of such sum on account thereof as the Commission think fit.

(2) Money required to be paid into Court under the principal Act or this Act shall, subject to rules made under Part VI of the Supreme Court of Judicature (Consolidation) Act, 1925, be paid into the Supreme Court, and shall be subject to the Acts, rules and orders relating to funds in the Supreme Court, except that it may, subject to rules made under the said Part VI, be paid out on the order of the Railway and Canal Commission:

Provided that the Commission shall not make an order for payment out of money in any case where it appears to them that the question of title involved is one which would more properly be dealt with by the Supreme Court.

(3) In the application of this Act to Scotland the Court of Session shall be substituted for the Supreme Court, Act of Sederunt shall be substituted for rules made under Part VI of the Supreme Court of Judicature (Consolidation) Act, 1925, and references to payment into court shall be construed as references to consignment.

2. Short title.—This Act may be cited as the Mines (Working Facilities and Support) Act, 1925, and the principal Act and this Act may be cited together as the Mines (Working Facilities and Support) Acts, 1923 and 1925.

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